

NATIONAL TRANSPORTATION SAFETY BOARD

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IN RE: :
 :
THE EAST FALLS CHURCH : NTSB Accident No.
DERAILMENT THAT OCCURRED ON: DCA16FR010
JULY 29, 2016 :
 :
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INTERVIEW OF: TRAPP THOMAS

Tuesday,
August 9, 2016

Location not provided

BEFORE

ROBERT DAVIS, WMATA

This transcript was produced from audio
provided by the National Transportation Safety Board.

P-R-O-C-E-E-D-I-N-G-S

3:25 p.m.

MR. DAVIS: All right. Today is August 9, 2016, Safety Office of Robert Davis. It is currently 15:25 hours.

I'm here with Trapp Thomas, payroll number [REDACTED]. Mr. Thomas has been a WMATA employee for eight years, almost nine. September will be his anniversary month for nine years. He's been with inspections, tracking inspector, track walker, the entire time.

We're here interviewing in reference to general track walking, as well as the discussion of the derailment at K05.

All right. Mr. Thomas, if you could just introduce yourself.

MR. THOMAS: Trapp Thomas, track walker.

MR. DAVIS: Okay. Thank you. Mr. Thomas, the training that you received as, or for track walking, did you receive that here at WMATA?

MR. THOMAS: Yes.

MR. DAVIS: Okay. Do you remember how long the training was?

MR. THOMAS: I believe it was three months.

MR. DAVIS: Okay.

MR. THOMAS: In the beginning, and then

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1 there's been training after that.

2 MR. DAVIS: Okay.

3 MR. THOMAS: From time to time different
4 classes.

5 MR. DAVIS: All right. The training you
6 felt, or how did you feel? Did you feel the training
7 was sufficient, insufficient?

8 MR. THOMAS: It was sufficient for me, but I
9 had experience already. Before I came here, I worked
10 for New York City Transit for nine years on the tracks.

11 MR. DAVIS: Okay. Do you feel that the
12 training you've received since then has also helped
13 keep up your ability to do your job --

14 MR. THOMAS: Yes.

15 MR. DAVIS: -- as a track walker?

16 MR. THOMAS: Yes.

17 MR. DAVIS: Are you familiar with the WMATA
18 1000?

19 MR. THOMAS: Yes.

20 MR. DAVIS: Okay. And in the WMATA 1000
21 there, the very first section talks about inspection
22 procedures, correct?

23 MR. THOMAS: I'm not sure of that.

24 MR. DAVIS: Yes.

25 MR. THOMAS: I don't know --

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1 MR. DAVIS: But your inspection procedures -
2 -

3 MR. THOMAS: Yes.

4 MR. DAVIS: -- are in the 1000.

5 MR. THOMAS: Right.

6 MR. DAVIS: Okay. And you're familiar with
7 those inspection procedures and what's required of you
8 as a track walker.

9 MR. THOMAS: Yes.

10 MR. DAVIS: Okay. The one section in here
11 is track walker inspection checklist. And it gives you
12 a list, you know, several components and things that a
13 track walker looks for in their daily walk as they
14 inspect track. And you're familiar with that as well,
15 correct?

16 MR. THOMAS: Yes.

17 MR. DAVIS: Okay. Have you ever walked
18 track on the K Line?

19 MR. THOMAS: Yes.

20 MR. DAVIS: Have you ever walked between K04
21 and K05?

22 MR. THOMAS: Yes.

23 MR. DAVIS: In general --

24 MR. THOMAS: Put in many restrictions in
25 that section.

1 MR. DAVIS: Okay. In general, can you give
2 me the layout leaving the station K05, walking towards
3 K04? And just give me the general layout of the
4 tracks, the two tracks, and what you come across as you
5 go down to K04.

6 MR. THOMAS: What do you mean, specifically
7 for that, or --

8 MR. DAVIS: Yes, like I leave --

9 MR. THOMAS: -- with the defects and
10 everything?

11 MR. DAVIS: No, no.

12 MR. THOMAS: Okay. All right.

13 MR. DAVIS: Just the general track layout.

14 MR. THOMAS: Yes, you leave the platform. I
15 believe it's a few hundred feet the interlocking is
16 down --

17 MR. DAVIS: Okay.

18 MR. THOMAS: -- from the station I believe.

19 MR. DAVIS: And that -- what interlocking?

20 MR. THOMAS: The K05 interlocking.

21 MR. DAVIS: Okay. So we're leaving the
22 station, K05 interlocking --

23 MR. THOMAS: I'm trying to -- yes.

24 MR. DAVIS: And how many tracks?

25 MR. THOMAS: There are two tracks and four

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1 switches.

2 MR. DAVIS: Okay. So the crossover at K05,
3 and then after the crossover the track just continues.

4 MR. THOMAS: Yes, down to Ballston.

5 MR. DAVIS: Okay. Any curves, any hills?

6 MR. THOMAS: Yes, curves. It's a long
7 distance. It's, I believe, two miles or over two
8 miles. So, yes, they go straight, and there's curves
9 and all of it.

10 MR. DAVIS: Okay. Can you tell me what type
11 of track it is, if -- and by that I mean is it direct
12 fixation? Is it ballasted? Is it wood ties? Is it --

13 MR. THOMAS: Ballasted.

14 MR. DAVIS: -- pre-ties.

15 MR. THOMAS: It's ballasted with wood ties
16 from the station to Ballston portal.

17 MR. DAVIS: Okay.

18 MR. THOMAS: Close to the portal, just
19 before the portal, a few hundred feet before the
20 portal.

21 MR. DAVIS: How about grade? Is there any
22 grade out there?

23 MR. THOMAS: What do you mean?

24 MR. DAVIS: Does it go uphill, downhill?

25 MR. THOMAS: Can't really say. It's not

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1 anything really significant because I would remember --

2 MR. DAVIS: How about close to the portal?

3 MR. THOMAS: Close to the portal? Oh, yes,
4 it goes down into the portal.

5 MR. DAVIS: Okay. And then once you reach
6 the portal, what type of track is it there?

7 MR. THOMAS: It's direct fixation.

8 MR. DAVIS: Direct --

9 MR. THOMAS: It's inside.

10 MR. DAVIS: Okay. And that leads you down
11 into the station at Ballston.

12 MR. THOMAS: Ballston.

13 MR. DAVIS: Okay. And that I just ask
14 because I just want to get a general overview on, of
15 what you understand the track to be and the general
16 layout to make sure --

17 MR. THOMAS: Oh, yes, I had that section.
18 That was my section a few times. So --

19 MR. DAVIS: Okay. As a track walker, when
20 you would walk that section, what is your
21 responsibility? And I just, just saying again, just
22 staying within K04 and K05. What's your responsibility
23 at the end of your walk?

24 MR. THOMAS: At the end? To have documented
25 --

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1 MR. DAVIS: Each day.

2 MR. THOMAS: To have documented whatever
3 defects were found --

4 MR. DAVIS: Okay.

5 MR. THOMAS: -- and report them. We, you
6 know, enter them into MAXIMO, do a daily report.

7 MR. DAVIS: Okay. And once you entered
8 those in MAXIMO, do you enter them the same day, the
9 next day, couple days later?

10 MR. THOMAS: Depends. We will do it the
11 same day if -- well, ideally you do them the same day.
12 Sometimes things happen. You'll get to the office late
13 in the day, so you got to do them the next day.
14 Sometimes you gather up too many to do in a day or two
15 days or three days, as I have. So, you know, you enter
16 it the way you can.

17 MR. DAVIS: Okay. What do you mean by the
18 way you can? Just --

19 MR. THOMAS: Well, I mean, for what you have
20 time for. The last time I walked, the last time I
21 inspected that section it was track 1. This was before
22 the SafeTrack. And I had 181 red conditions in the
23 document. It took me three days to do it. Just didn't
24 have time to do it.

25 MR. DAVIS: What month was that?

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1 MR. THOMAS: That had to have been April,
2 May, yes, something like that.

3 MR. DAVIS: Okay. The defects, when you
4 enter them, do you describe the defect?

5 MR. THOMAS: Yes.

6 MR. DAVIS: Is it a defect, or can it be a
7 deficiency?

8 MR. THOMAS: We don't -- we consider
9 whatever is of concern out there to be a defect.
10 Whether it's a defect or it's not technically a defect,
11 it goes on one database. We only have one database.
12 We call it the defect database, so we call everything
13 on there a defect.

14 MR. DAVIS: Okay. The defects that you
15 enter, do they normally call for a speed restriction,
16 or what level or how do we determine the level and
17 what's needed in general track walking?

18 MR. THOMAS: The 1000 determines what
19 defects and conditions call for a speed restriction.

20 MR. DAVIS: Okay. You mentioned conditions.

21 MR. THOMAS: A condition would be -- all
22 right. A defective tire wouldn't be a defect. One
23 would be a defect, but three in a row, that's a
24 condition, three defects. And that calls for a speed
25 restriction. That would be a condition.

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1 MR. DAVIS: Okay. And a condition, again,
2 you mean the definition in the 1000 gives you footage -
3 -

4 MR. THOMAS: Yes.

5 MR. DAVIS: -- over a certain amount of
6 footage. And that's where you get --

7 MR. THOMAS: Yes.

8 MR. DAVIS: Okay. So in the case of wood
9 ties, what would be one tie that is chewed up pretty
10 bad?

11 MR. THOMAS: As far as a condition? It's
12 just a --

13 MR. DAVIS: How would you enter that? You
14 walk into --

15 MR. THOMAS: A defective tie, if it meets
16 the criteria for being defective and I make it red and
17 enter it as a defective tie.

18 MR. DAVIS: Okay. And how many ties would
19 be considered a red condition?

20 MR. THOMAS: A red condition? The tie
21 itself could be red. But to -- oh, yes, okay, to make
22 it a 15-mile-an-hour red condition, it would take,
23 normally under normal circumstances it would take three
24 because it's 90 inches. I think 90 inches, between 90
25 inches and 100. I don't even remember. I'm not even

1 going to try to quote it. But --

2 MR. DAVIS: Between 90 inches --

3 MR. THOMAS: Yes, that's --

4 MR. DAVIS: -- what would be the between
5 mark, between what, a good or a --

6 MR. THOMAS: No, between non-defective ties.

7 MR. DAVIS: Between good ties.

8 MR. THOMAS: Yes.

9 MR. DAVIS: So you have defective ties --

10 MR. THOMAS: And non-defective ties.

11 MR. DAVIS: -- and non-defective. So
12 between each good tie you have to have, or you can't
13 have more than 90 inches --

14 MR. THOMAS: Right.

15 MR. DAVIS: -- because that would take you
16 to a yellow.

17 MR. THOMAS: Right.

18 MR. DAVIS: Okay.

19 MR. THOMAS: Now, hold it.

20 (Unintelligible.) Well, I don't know. It's a 15-mile-
21 an-hour restriction. That I definitely know.

22 MR. DAVIS: Okay.

23 MR. THOMAS: Is that mine right there you're
24 looking at?

25 MR. DAVIS: No, this is just the whole --

1 this is the current defects on all the lines --

2 MR. THOMAS: All the lines. Okay.

3 MR. DAVIS: -- that are Priority 1s. And
4 this is B. This is C, D, J, and K.

5 MR. THOMAS: So they haven't been updated.
6 They haven't been removed since we've been doing
7 SafeTrack, because I put, I think, 40 reds in between
8 Reagan National and Braddock Road. And, like I said,
9 181 between Ballston and West Falls on track 1.

10 MR. DAVIS: Currently on this, see, there's
11 only four.

12 MR. THOMAS: Okay.

13 MR. DAVIS: K Line portion that we just
14 finished, that surge, so I don't know if the
15 maintenance managers have gone in.

16 MR. THOMAS: Right.

17 MR. DAVIS: The process, can you remove, now
18 that you --

19 MR. THOMAS: They won't let us.

20 MR. DAVIS: Okay. So how are they removed?

21 MR. THOMAS: I don't know. I don't know who
22 does it. There's always a problem with them getting
23 removed. I know that we have to give it to our
24 supervisors. But I don't think they do it either.
25 Maybe they give it to maintenance. I'm not even sure.

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1 MR. DAVIS: So the maintenance manager is
2 the one.

3 MR. THOMAS: That's what I've always heard.
4 It's the maintenance manager's job. But it doesn't get
5 done so often that I don't know who's actually
6 responsible. And I wouldn't think that a maintenance
7 manager is like I'm not going to do it.

8 MR. DAVIS: Okay.

9 MR. THOMAS: But maybe. I don't know.

10 MR. DAVIS: Okay. Well, I noticed that
11 there are several defects entered in the system here on
12 days that you did not walk that particular area.

13 MR. THOMAS: That's the K Line?

14 MR. DAVIS: There were defects added on the
15 K Line.

16 MR. THOMAS: Yes, that's what I said.

17 MR. DAVIS: Right.

18 MR. THOMAS: It took days to do it.

19 MR. DAVIS: Okay. But you were walking on
20 the J Line at the time?

21 MR. THOMAS: No, I was at New Carrollton
22 until -- I was all over the place, mainly between
23 Smithsonian and Rosslyn.

24 MR. DAVIS: Okay.

25 MR. THOMAS: But there was one day they sent

1 me over there to walk at Alexandria, to walk that line.

2 MR. DAVIS: Okay.

3 MR. THOMAS: I didn't have that line at the
4 time. I was just walking it just that one day.

5 MR. DAVIS: Okay. And do you know how many
6 days later that you were entering?

7 MR. THOMAS: I did some that day, and then I
8 think it took three days.

9 MR. DAVIS: Okay. Okay. Have you ever done
10 any interlocking inspections on the K Line,
11 specifically K05?

12 MR. THOMAS: Yes, I've done that before. I
13 don't know when.

14 MR. DAVIS: When you walked, you said that K
15 Line was your normal route.

16 MR. THOMAS: Mm-hmm.

17 MR. DAVIS: When you walked the K Line as
18 your normal route, how often did you walk the
19 crossovers?

20 MR. THOMAS: Whenever -- about once a month.
21 That's part of the monthly mainline switch inspection.

22 MR. DAVIS: Okay.

23 MR. THOMAS: So that's when we do it. But -
24 -

25 MR. DAVIS: Is a mainline switch inspection

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1 the same as track inspection?

2 MR. THOMAS: (Unintelligible.)

3 MR. DAVIS: Okay.

4 MR. THOMAS: It's, well, I mean, different
5 because the track inspection is a track inspection and
6 a switch inspection is just the switches.

7 MR. DAVIS: Okay. With that definition --

8 MR. THOMAS: And more specific things to
9 measure. You know, there are more different components
10 in the switch than with regular tracks. So you got the
11 reports right in front of you. You know what's
12 happening.

13 MR. DAVIS: Right. But what I'm asking you
14 is what -- we run trains through the crossovers every
15 day. Are the --

16 MR. THOMAS: No, no, you don't. You don't.

17 MR. DAVIS: Okay.

18 MR. THOMAS: Under normal --

19 MR. DAVIS: On a regular basis.

20 MR. THOMAS: Yes, under normal conditions we
21 don't. That's the reason --

22 MR. DAVIS: Any given day we can run a train
23 --

24 MR. THOMAS: We can.

25 MR. DAVIS: -- any crossover.

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1 MR. THOMAS: We can.

2 MR. DAVIS: Okay.

3 MR. THOMAS: Yes.

4 MR. DAVIS: So are the crossovers considered
5 mainline track?

6 MR. THOMAS: No.

7 MR. DAVIS: The crossovers are not?

8 MR. THOMAS: Not considered mainline track,
9 no.

10 MR. DAVIS: Why not?

11 MR. THOMAS: I don't know. That's how it
12 is.

13 The sections we walk, we go from the
14 platform down the track. In this case, like I said,
15 the interlocking is a few hundred feet down. We would
16 walk all the way through on a regular track inspection.
17 We're on this track. We don't inspect crossovers while
18 we do that. That's not part of the regular thing.

19 MR. DAVIS: But what's once every 30 days?

20 MR. THOMAS: Say it again.

21 MR. DAVIS: What did you do once every 30
22 days?

23 MR. THOMAS: You're talking about the switch
24 inspection.

25 MR. DAVIS: Okay.

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1 MR. THOMAS: Yes, that's a, yes.

2 MR. DAVIS: That's a switch inspection.

3 MR. THOMAS: Yes.

4 MR. DAVIS: But what about the crossover,
5 the diamond, and the track between the switches?

6 MR. THOMAS: We walk through them. We walk
7 through them, and we look at it. We have the forms.
8 The forms are for the switches.

9 MR. DAVIS: Correct.

10 MR. THOMAS: So we take measurements on the
11 switches. Everything else we look at, and we inspect
12 it.

13 MR. DAVIS: How often?

14 MR. THOMAS: That would be once a month.

15 MR. DAVIS: But like you said --

16 MR. THOMAS: That's a part of the whole
17 thing that they didn't create for the crossover tracks.
18 They didn't create anything on the forms.

19 MR. DAVIS: Who told you that the crossovers
20 were not part of your normal daily inspection?

21 MR. THOMAS: They're not. They've never
22 been.

23 MR. DAVIS: Okay. Well, I'm just asking how
24 --

25 MR. THOMAS: They've never been. I can't

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1 name a person who said that. But that is the way it
2 is.

3 MR. DAVIS: Okay.

4 MR. THOMAS: Everywhere I've been for this
5 whole nine years, that's never been a part of the
6 regular track inspection.

7 MR. DAVIS: Okay.

8 MR. THOMAS: It is not.

9 MR. DAVIS: Okay. When you do your switch
10 inspections -- and I'm just picking one out of the
11 blue. This is from January 17, 2015. It's just the
12 one that's on top. So you and I are both looking at
13 the same thing. Oh, actually, look, this happened to
14 be you, right?

15 MR. THOMAS: Yes.

16 MR. DAVIS: Okay. Well, there's luck right
17 there.

18 This is -- all I have in front of me is 2015
19 and 2016 switch inspections. Okay. So I'm looking at
20 this with you, January 2015, January 17, 2015. And, of
21 course, I'm looking at 3B switch. And you're probably
22 looking at, what, 3A?

23 MR. THOMAS: 3A.

24 MR. DAVIS: Okay. So, and being the fact
25 this happens to be yours, let's talk about it. The

1 switch inspection that you do every 30 days is part of
2 this form that we're both looking at. And you're
3 looking at 3A and 3B. I'm looking at 3B. Looking at
4 your sheet, what kind of a switch is 3A?

5 MR. THOMAS: What do you mean, what kind?

6 MR. DAVIS: Left hand, right hand,
7 equilateral?

8 MR. THOMAS: Right hand.

9 MR. DAVIS: Okay. So 3A is a right hand.
10 3B, that I'm looking at, is also a right hand.

11 And as you fill this out, I see there's a
12 maximum number there. It has you and Mr. -- how do you
13 say his last name?

14 MR. THOMAS: Azurin.

15 MR. DAVIS: Azurin. So you and Mr. Azurin
16 are the inspectors and Mr. Hawkins (phonetic) was the
17 watchman on this day.

18 Okay. So go over this sheet with me and how
19 you would do it at any interlocking. But in this case,
20 it happens to be your sheet and how you would do it at
21 the K interlocking, K05 interlocking, with all four
22 switches, but you just using the one you have in front
23 of you, 3A, as an example.

24 Okay. Go over the sheet with me.

25 MR. THOMAS: To go over it?

1 MR. DAVIS: Yes, please.

2 MR. THOMAS: As far as, I mean, you want me
3 to read everything on it. Is that or --

4 MR. DAVIS: Well, give me the general --
5 like we just discussed now the top part is the turnout
6 inspection. You give the date.

7 MR. THOMAS: The measurements, yes.

8 MR. DAVIS: Yes, and you give the location.
9 You'd say it's a right hand switch. It's a number 8
10 guarded switch. You have your names as the inspectors,
11 the maximum number, and Mr. Hawkins as the watchman.

12 MR. THOMAS: Yes.

13 MR. DAVIS: All right. The next section is
14 called general. What's that have to do with?

15 MR. THOMAS: It's how the flangeway is
16 cleared, the crib area is clear, surface and alignment,
17 whether they're good, fair, or poor.

18 MR. DAVIS: Okay. What do we mean by the
19 flangeways and the cribway being clear?

20 MR. THOMAS: The flangeways, you know what
21 the -- I mean, that's -- it's between the two rails
22 that's guarded. You have a guard railing. You have
23 whatever. But then you have, with the frog point, it
24 has flanges. Are those flangeways clear?

25 MR. DAVIS: Okay.

1 MR. THOMAS: That's what it asks for.

2 MR. DAVIS: Okay. And then what's it mean
3 by the crib area is clear?

4 MR. THOMAS: That's between the ties.

5 MR. DAVIS: Okay. And you have -- I have
6 yes on both of those for you on this date on 3B. You
7 have the same on 3A?

8 MR. THOMAS: Yes.

9 MR. DAVIS: Okay. What are we looking for
10 as far as surface and alignment? Good, fair, and poor,
11 what are you looking at there when you do a switch
12 inspection and you're filling out this part of the
13 form? What are you looking at?

14 MR. THOMAS: Is it -- well, I can't imagine
15 that the frog would be twisted or anything, but that's
16 what we're looking at to make sure that the surface is
17 good.

18 MR. DAVIS: At the switch.

19 MR. THOMAS: Yes.

20 MR. DAVIS: All right. And alignment?

21 MR. THOMAS: Alignment of the rails, I
22 guess, of the -- that's at the switch plants also --

23 MR. DAVIS: Okay.

24 MR. THOMAS: -- if that looks good.

25 MR. DAVIS: All right. Moving down to the

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1 next part, we're talking about ties, fasteners. What's
2 the total number of defective ties and fasteners that
3 you have on that form?

4 MR. THOMAS: That's zero.

5 MR. DAVIS: Okay.

6 MR. THOMAS: But that's not what's reflected
7 in the notes.

8 MR. DAVIS: It's not --

9 MR. THOMAS: I guess we overlooked that
10 part. But what's in the notes are 15 deteriorating
11 ties in the diamond area. That's what I was talking
12 about with -- when I said we inspect that area. The
13 information here that they have already, you know, for
14 us to fill in, that's for the switches. But the notes
15 are for everything else we find --

16 MR. DAVIS: Okay.

17 MR. THOMAS: -- when we inspect the rest of
18 it.

19 MR. DAVIS: So, in other words, you do not -
20 -

21 MR. THOMAS: That's why these ties are in
22 there.

23 MR. DAVIS: You do not check the tracks in
24 the crossovers and the diamond on a daily basis. You
25 only --

1 MR. THOMAS: No.

2 MR. DAVIS: -- checked the tracks in the
3 crossovers and diamonds when you did a switch
4 inspection, 30-day switch inspection.

5 MR. THOMAS: Right.

6 MR. DAVIS: Okay. So, even though you have
7 a number of defective ties, you have zero.

8 MR. THOMAS: Mm-hmm.

9 MR. DAVIS: All right. Now let's go down
10 and read to me what we're looking for as we do a switch
11 inspection.

12 MR. THOMAS: And let me point out again,
13 that's on a line. It says zero up here. But right
14 here where the notes are, very specifically, 15
15 deteriorating ties in the diamond area --

16 MR. DAVIS: Okay. We'll get down to that --

17 MR. THOMAS: -- which, by the way, I believe
18 that's the cause of that derailment. There's no way
19 that there would have been a 58 or 59 or whatever
20 they're saying it is on a regular basis. It was just -
21 - like it wasn't just like that, because it wouldn't
22 have taken that many days for the train to drop in
23 there. That was done because ties were defective.

24 It was reported. Management dropped the
25 ball as they always do. They never fix those ties.

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1 And they started using a crossover that they may use if
2 something happens on any given day, but now you're
3 doing it all day, every day.

4 MR. DAVIS: Right.

5 MR. THOMAS: And it pushed the ties. That's
6 what it does. That's what I've been talking about for
7 years.

8 MR. DAVIS: Okay.

9 MR. THOMAS: The last time we had talked, it
10 was about exactly the same thing. And now it happened.

11 MR. DAVIS: Right. Well, let's just jump
12 while we're -- and I'm going to skip the center part of
13 the form which talks about switches, frogs, frog rails,
14 lubrication.

15 Let's just go down to the notes since we're
16 talking about deteriorated ties. Fifteen deteriorated
17 ties in the diamond you noted in this, on this form
18 that I'm looking at, and as you have articulated, you
19 noted on that form as well.

20 What does 15 deteriorating ties in the
21 diamond mean?

22 MR. THOMAS: It means that there were 15
23 ties deteriorating in the diamond area.

24 MR. DAVIS: Okay. But are they in one piece
25 of the diamond? Are they --

1 MR. THOMAS: This is from -- what is this
2 again?

3 MR. DAVIS: January.

4 MR. THOMAS: January of 2015.

5 MR. DAVIS: Okay.

6 MR. THOMAS: I don't remember.

7 MR. DAVIS: You don't remember.

8 MR. THOMAS: I don't -- yes, there were 15
9 ties deteriorated. That's what was reported. But as
10 far as where they were exactly, I don't know. These
11 might have been the ones that I reported in 2011. It
12 might be the same thing that I took the track out of
13 service for.

14 MR. DAVIS: Do --

15 MR. THOMAS: Could be the same ties. I
16 don't know.

17 MR. DAVIS: Do you remember what you took
18 the track out of service for in 2011, ties --

19 MR. THOMAS: Yes, it was because of the
20 ties, yes.

21 MR. DAVIS: And were the ties --

22 MR. THOMAS: And it had the rail. They were
23 so defective and that the spikes weren't holding, and
24 the rail was actually lifted up out of the plate. So
25 we took it out of service.

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1 MR. DAVIS: With those ties you're talking
2 about and the plates being lifted up, without replacing
3 any tie, would they have been able to just secure --

4 MR. THOMAS: I don't think so.

5 MR. DAVIS: You don't think so.

6 MR. THOMAS: I mean, it wouldn't look right.
7 Cosmetically, it would look like there's been a repair
8 done, that the rail is back down just fine until you
9 start running trains on it.

10 MR. DAVIS: Okay.

11 MR. THOMAS: But I said that then. I told
12 them then that that was -- this was nothing.

13 MR. DAVIS: With nothing as far as a repair.

14 MR. THOMAS: Yes, it wasn't a repair.

15 MR. DAVIS: Okay. And that was 2011. Do
16 you remember what month or --

17 MR. THOMAS: No.

18 MR. DAVIS: -- in the ballpark? Okay.

19 MR. THOMAS: I don't remember --

20 MR. DAVIS: Summer, spring, fall.

21 MR. THOMAS: Maybe April.

22 MR. DAVIS: Okay.

23 MR. THOMAS: Maybe March, March, April, or
24 May.

25 MR. DAVIS: So spring.

1 MR. THOMAS: Something like that.

2 MR. DAVIS: Springtime, beginning of 2011,
3 springtime.

4 So they came in after you took it out of
5 service. And did you continue to walk that K Line
6 after they did that?

7 MR. THOMAS: Yes.

8 MR. DAVIS: And you told them then --

9 MR. THOMAS: I believe I restricted that
10 section a number of times after that.

11 MR. DAVIS: After that, because you felt the
12 repair --

13 MR. THOMAS: All that way, yes, all the way
14 from East Falls to Ballston points, both tracks. I
15 don't know how many times, but it was many times.

16 MR. DAVIS: Okay. But just talking about,
17 you know, we're going to stay in K05 interlocking,
18 because it's important that you noted this all the way
19 back to 2011.

20 MR. THOMAS: Yes, because the condition of
21 the ties there are the same as the ties that are, you
22 know, on the track. It's not like those were with
23 different or better, well, maybe not even worse, but
24 they were all defective. They were all deteriorating.
25 They were all going bad. They were reported. I was

1 retaliated against for putting in restrictions because
2 of that stuff. (Unintelligible.)

3 MR. DAVIS: Did they ever replace any of the
4 ties as --

5 MR. THOMAS: I don't know. I haven't -- I
6 wasn't on that -- I've been on other lines since then.
7 So I don't know what work was done between the times --

8 MR. DAVIS: From 2011, when did you go to a
9 different line?

10 MR. THOMAS: In 2011.

11 MR. DAVIS: In 2011.

12 MR. THOMAS: Yes.

13 MR. DAVIS: Okay. And then you went back to
14 the K Line?

15 MR. THOMAS: Yes, at -- when was it? Maybe
16 last year.

17 MR. DAVIS: I remember when we talked before
18 --

19 MR. THOMAS: Maybe a year ago.

20 MR. DAVIS: -- you were on the K Line.

21 MR. THOMAS: It was like October, yes, yes.

22 MR. DAVIS: Okay.

23 MR. THOMAS: Yes, so maybe last, the June
24 before this June. Like June of last year, I believe,
25 is when I got on that section I think.

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1 MR. DAVIS: Okay.

2 MR. THOMAS: I think that was.

3 MR. DAVIS: All right. Do you remember if
4 being back on that section, if they had -- and I say
5 they, I mean track maintenance or track production,
6 those departments that would change ties. Did you
7 notice when you came back that any of the ties had been
8 replaced?

9 MR. THOMAS: No, I didn't.

10 MR. DAVIS: You didn't notice that they --

11 MR. THOMAS: I didn't notice it. Maybe they
12 have, but I still was able to, like I said, report 181
13 red conditions. And that's not 180 ties. That's from
14 chain marker to chain marker.

15 MR. DAVIS: Right.

16 MR. THOMAS: It was really, I guess, about
17 1,200 ties. So I wouldn't think that there was a big
18 job done.

19 MR. DAVIS: Okay. Here we go. How about --
20 that's 1/17/15. Okay. There's 8 of '16. Okay. So
21 we're talking about 1/17 and 2 of '16. Here is July of
22 2015.

23 So you were -- you did a switch inspection
24 in January of '15. And just picking out of the blue
25 and just going through this pile, I see you did a

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1 switch inspection, a 30-day switch inspection, monthly
2 switch inspection as it's called, in July of 2015. All
3 right.

4 MR. THOMAS: Six months later.

5 MR. DAVIS: Six months later. What switch -
6 -

7 MR. THOMAS: What's it say in the notes?

8 MR. DAVIS: 3A or 3B?

9 MR. THOMAS: 3A.

10 MR. DAVIS: You have 3A. All right. I'm
11 going to give you 3A from July to compare to --

12 MR. THOMAS: And the 15 deteriorating ties
13 are still there.

14 MR. DAVIS: Still there. Okay. So in that
15 case, you would say that nothing was done.

16 MR. THOMAS: I wouldn't think so.

17 MR. DAVIS: Okay. Did you feel that this
18 was condemnable or unsafe? With 15 ties, that just
19 seems like a lot to me.

20 MR. THOMAS: That it's unsafe? Yes, I think
21 it's unsafe. That's why --

22 (Off mic comments.)

23 MR. DAVIS: So you would say 15 ties is
24 unsafe.

25 MR. THOMAS: Yes.

1 MR. DAVIS: Okay. Because it's in that
2 small diamond area.

3 MR. THOMAS: Mm-hmm.

4 MR. DAVIS: So who did you report or tell
5 that those 15 ties were in there?

6 MR. THOMAS: Say it again.

7 MR. DAVIS: Who did you report the 15 ties
8 to?

9 MR. THOMAS: It's on the report and it --

10 MR. DAVIS: So you just turned in the
11 report.

12 MR. THOMAS: Yes.

13 MR. DAVIS: Okay. Did you -- I see one and
14 it looks like Chris Bell (phonetic). Oh, they both
15 look like Chris Bell. So in January of '15 and July of
16 '15, supervisor signed this form.

17 MR. THOMAS: Mm-hmm.

18 MR. DAVIS: Does he sign it in front of you
19 or does he sign it --

20 MR. THOMAS: No.

21 MR. DAVIS: Okay. So you don't have any
22 discussion with the supervisor when you do this form.
23 You just --

24 MR. THOMAS: I might have.

25 MR. DAVIS: Okay.

1 MR. THOMAS: I might have. Not about -- not
2 at this time, but about this situation.

3 MR. DAVIS: Okay.

4 MR. THOMAS: We would normally tell a
5 supervisor we have something here. But then again,
6 this was 2015. I don't know.

7 MR. DAVIS: Okay. When -- I mean, you say
8 you feel it was not safe. But there was no restriction
9 or you didn't --

10 MR. THOMAS: Well --

11 MR. DAVIS: -- take it out of service in
12 '15.

13 MR. THOMAS: Do you want to talk about me
14 putting in restrictions?

15 MR. DAVIS: No, I'm talking about --

16 MR. THOMAS: Because --

17 MR. DAVIS: -- here at this location.

18 MR. THOMAS: Well, we can't talk about just
19 this location. When I put in speed restrictions, I get
20 retaliated against. We can't just talk about this.

21 MR. DAVIS: We are definitely talking -- you
22 didn't feel that this location needed a restriction.

23 MR. THOMAS: I don't know that I --

24 MR. DAVIS: Well, you didn't put one in.

25 MR. THOMAS: I don't know if I -- yes, I

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1 didn't put one in.

2 MR. DAVIS: Okay. That's fine. That's all
3 I'm asking.

4 MR. THOMAS: That's -- yes.

5 MR. DAVIS: That's all I'm asking. All
6 right.

7 Now, looking at the form from July, let's
8 look at the form side by side. You're looking at
9 switch 3A, and I'm looking at switch 3B, right? Let's
10 go back to the tie fastener section. Okay. Now, these
11 are all typed in. You don't do these by hand.

12 MR. THOMAS: Oh, yes. No.

13 MR. DAVIS: Okay. So how do you fill this
14 form out?

15 MR. THOMAS: On the computer.

16 MR. DAVIS: On a computer. Okay. All
17 right. Let's look down the -- so this is six months
18 difference from July to, January to July. All right.
19 Can you now take me down the form since we're past the
20 defective tie thing?

21 MR. THOMAS: We're past that, huh?

22 MR. DAVIS: What's that?

23 MR. THOMAS: We're past that?

24 MR. DAVIS: Well, for right now.

25 MR. THOMAS: Okay.

1 MR. DAVIS: Because, remember, I told you
2 we're going to go up and down the form.

3 Come in.

4 (Off mic comments.)

5 MR. DAVIS: I mean, we're past that on the
6 form as far as it being in the notes and it being up
7 top. We're going to go down the form, and we're going
8 to go talk about all the notes. All right.

9 But just to clear it up, as we stated, was
10 there were 15 deteriorating ties in your notes. But
11 you didn't restrict it or take it out of service at
12 that time.

13 MR. THOMAS: Right.

14 MR. DAVIS: Okay. That's all we were
15 looking for at this point.

16 Now moving on, it says gauge six inches
17 ahead of the points measurement. What was the
18 measurement in January of 2015?

19 MR. THOMAS: It was 56-1/2.

20 MR. DAVIS: Okay. 56-1/2, and then the
21 cross level?

22 MR. THOMAS: 1/8.

23 MR. DAVIS: 1/8? On both forms?

24 MR. THOMAS: Yes.

25 MR. DAVIS: Okay. All right. Then the next

1 question is lower than the stock rail. And did you
2 answer that?

3 MR. THOMAS: Yes.

4 MR. DAVIS: Okay. What did you answer in
5 January?

6 MR. THOMAS: Yes, yes, in both.

7 MR. DAVIS: Okay. All right. Let's go down
8 to the switch rods. Are they okay, bent, damaged,
9 loose?

10 MR. THOMAS: They were okay.

11 MR. DAVIS: They were okay. In January?

12 MR. THOMAS: Both, they were okay.

13 MR. DAVIS: In July. Okay. Switch clips,
14 in January?

15 MR. THOMAS: They were okay, both.

16 MR. DAVIS: Both, okay. Now we're going to
17 look at the heel block. Now, can you just give me a
18 quick understanding of where the heel block is in
19 relation to a switch when you do a switch inspection?

20 MR. THOMAS: It's at the end of the point.

21 MR. DAVIS: Okay. At the front end or the
22 back end?

23 MR. THOMAS: The back end of the point.

24 It's where it connects it to the other part.

25 MR. DAVIS: Okay. All right. So the heel

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1 block, it asked for a gauge and cross level. And
2 there's nothing there in the first blank, or there is?

3 MR. THOMAS: Heel block, heel block. Oh,
4 no, it's there.

5 MR. DAVIS: Okay. But it's not --

6 MR. THOMAS: 56 and --

7 MR. DAVIS: Right. But it's in relation to
8 straight side and turnout side.

9 MR. THOMAS: Yes.

10 MR. DAVIS: Okay. So --

11 MR. THOMAS: That's where the measurements
12 are.

13 MR. DAVIS: Right. But when we're looking
14 at the form going across the form, it says heel block
15 gauge and cross level.

16 MR. THOMAS: Yes, there are some things
17 wrong with the form.

18 MR. DAVIS: Well, but I'm just saying it's
19 talking about two different locations, the straight
20 side of the heel block and the turnout side of the heel
21 block.

22 MR. THOMAS: Mm-hmm.

23 MR. DAVIS: Correct? Okay.

24 Now, what measurements did you have in
25 January 2017 for the straight side?

1 MR. THOMAS: 56-5/16.

2 MR. DAVIS: Okay. And what did you have for
3 the turnout side?

4 MR. THOMAS: Same thing.

5 MR. DAVIS: All right. And then what did
6 you have in July?

7 MR. THOMAS: Same.

8 MR. DAVIS: Same. Okay, IJ (phonetic)
9 measurements. Again, straight side and turnout side at
10 the IJ, what did you have for a measurement in --

11 MR. THOMAS: 56-1/2 and 1/8 and the same for
12 the turnout.

13 MR. DAVIS: Okay.

14 MR. THOMAS: Yes.

15 MR. DAVIS: And what did you have in July?

16 MR. THOMAS: Same.

17 MR. DAVIS: Okay. All right. Let's move
18 down. And now, we're, again, talking about the frog
19 itself. And we're looking at the next point, surface,
20 bolts, wing rails, and guard face gauge. And that's
21 measured in an okay, worn, chipped, broken, and any
22 notes, correct?

23 MR. THOMAS: Mm-hmm.

24 MR. DAVIS: In January of 2015 what did you
25 have for the point?

1 MR. THOMAS: Point is 56-1/2.

2 MR. DAVIS: No, up here where the checkmarks
3 are, whether it's broken, chipped.

4 MR. THOMAS: Oh, it was worn and chipped.

5 MR. DAVIS: Okay. So the point was worn and
6 chipped. And then the surface?

7 MR. THOMAS: The surface was okay.

8 MR. DAVIS: All right. The bolts?

9 MR. THOMAS: Bolts are okay.

10 MR. DAVIS: All right. And then the wing
11 rails?

12 MR. THOMAS: Wing rails are worn and
13 chipped.

14 MR. DAVIS: Okay. And then the guard face
15 gauge?

16 MR. THOMAS: Was okay.

17 MR. DAVIS: Okay. Now, what did you have --

18 MR. THOMAS: For both of them --

19 MR. DAVIS: -- in July?

20 MR. THOMAS: It was the same thing.

21 MR. DAVIS: So July and January were the
22 same.

23 MR. THOMAS: Yes.

24 MR. DAVIS: Okay. All right. Now, as far
25 as the gauge and the cross level at the point of the

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1 switch, what did you have on the straight side?

2 MR. THOMAS: It's 56-1/2.

3 MR. DAVIS: And that was in January or July?

4 MR. THOMAS: It's both of them.

5 MR. DAVIS: Both are the same.

6 MR. THOMAS: Yes.

7 MR. DAVIS: Okay. Now, what about the
8 turnout side?

9 MR. THOMAS: 56-1/2 and 1/16.

10 MR. DAVIS: And 1/16 for --

11 MR. THOMAS: The same --

12 MR. DAVIS: -- level point?

13 MR. THOMAS: Yes, for the cross level.

14 MR. DAVIS: Cross level.

15 MR. THOMAS: Yes.

16 MR. DAVIS: Okay. And that was both January
17 --

18 MR. THOMAS: Yes, the same.

19 MR. DAVIS: Okay. All right.

20 MR. THOMAS: The measurements are the same
21 all the way down for both of them. Is that what you're
22 getting at?

23 MR. DAVIS: I'm just, yes, I'm just asking
24 you to compare both forms.

25 MR. THOMAS: Okay.

1 MR. DAVIS: All right. So the gauge level
2 at the tow, straight side, turnout side are the same --

3 MR. THOMAS: (Unintelligible.)

4 MR. DAVIS: -- on both the January --

5 MR. THOMAS: Same on both, yes.

6 MR. DAVIS: Okay. How about at the level,
7 at the heel?

8 MR. THOMAS: Yes, same.

9 MR. DAVIS: Same on both forms.

10 MR. THOMAS: Mm-hmm.

11 MR. DAVIS: Flangeway measurements.

12 MR. THOMAS: Yes, the same.

13 MR. DAVIS: Width and depth are the same?

14 MR. THOMAS: Mm-hmm.

15 MR. DAVIS: On both forms?

16 MR. THOMAS: Yes.

17 MR. DAVIS: All right. The guard rail
18 conditions, did you check anything there?

19 MR. THOMAS: For the left and right, that
20 they were okay.

21 MR. DAVIS: Okay. All right. And then the
22 flange width on the straight side and the turnout side,
23 what was that? That was that measurement.

24 MR. THOMAS: They were the same, yes.

25 MR. DAVIS: So the flange width was the

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1 same.

2 MR. THOMAS: On both.

3 MR. DAVIS: On the straight side and the
4 turnout?

5 MR. THOMAS: No, no, no.

6 MR. DAVIS: Oh, okay. What was the straight
7 side measurement?

8 MR. THOMAS: 1-15/16 and the turnout was 1-
9 3/4 on both of them.

10 MR. DAVIS: On January and July.

11 MR. THOMAS: Yes.

12 MR. DAVIS: Okay. All right.

13 MR. THOMAS: And the lubrication was okay.

14 MR. DAVIS: Okay. Lubrication was okay.

15 Now, looking at the notes, what's the first note that
16 you have in January?

17 MR. THOMAS: Two loose house top bolts.

18 MR. DAVIS: Two loose house top bolts. And
19 then, what's the first note you have in July?

20 MR. THOMAS: The same thing.

21 MR. DAVIS: Okay. What's the second note?

22 MR. THOMAS: Give me a second. Okay. All
23 the notes are the same on both of them.

24 MR. DAVIS: Listed the same.

25 MR. THOMAS: Yes.

1 MR. DAVIS: Okay. All right. And then, you
2 were the inspector with who on that day?

3 MR. THOMAS: With Thomas Dorr (phonetic) in
4 July.

5 MR. DAVIS: Okay. And how about January?

6 MR. THOMAS: Azurin.

7 MR. DAVIS: Okay. All right. Let me see.
8 Did you say you were on the K Line in '14 or '13 at
9 all?

10 MR. THOMAS: I'm not sure. I don't think
11 so.

12 MR. DAVIS: You don't think so?

13 MR. THOMAS: Oh, no, I was on the Red Line.

14 MR. DAVIS: In '13 or '14.

15 MR. THOMAS: Yes.

16 MR. DAVIS: Okay. All right. Now, when we
17 do these switch inspections, can these measurements
18 change?

19 MR. THOMAS: They can, yes.

20 MR. DAVIS: Okay. I'm just doing general --

21 MR. THOMAS: It's possible, yes.

22 MR. DAVIS: Right. Just doing general
23 talking about track. And what causes that change?

24 MR. THOMAS: Using a different gauge.

25 MR. DAVIS: Okay.

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1 MR. THOMAS: These measurements are not
2 supposed to change. They're not supposed to be
3 different from one day to the next. There's a problem
4 when they are different from one month to the next
5 month. And then again, but that happens when you use
6 different gauges. Some are off.

7 MR. DAVIS: But what other conditions or
8 what other could happen? I mean, does a train change
9 any of these measurements? Does train operation change
10 any of these measurements?

11 MR. THOMAS: Not to where they're still
12 within tolerance, no. They don't, no.

13 MR. DAVIS: So a train -- what would change
14 the -- let's say, the gauge in the cross level at the
15 IJ, what would change that in the switch?

16 MR. THOMAS: That would change if you had a
17 loose stock rail, I guess, and a loose switch point.

18 MR. DAVIS: Okay. How about switch --

19 MR. THOMAS: That's it. That would be a big
20 problem.

21 MR. DAVIS: How about switch point? Gauge
22 and cross level at the point, how would that change
23 from --

24 MR. THOMAS: The stock rails.

25 MR. DAVIS: -- from month to month?

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1 MR. THOMAS: The stock rails or if the
2 switch rods, something went wrong with them, maybe it
3 would change.

4 MR. DAVIS: A train would not change.

5 MR. THOMAS: No.

6 MR. DAVIS: No? Okay.

7 MR. THOMAS: Just under normal, no.

8 MR. DAVIS: Okay.

9 MR. THOMAS: These numbers don't change.

10 MR. DAVIS: Okay. And why is that?

11 MR. THOMAS: They don't change under normal
12 -- because they're not supposed to.

13 MR. DAVIS: Okay.

14 MR. THOMAS: This is not -- the track is not
15 supposed to be flexible, you know.

16 MR. DAVIS: But with the notes, now let's
17 look at the notes. What's the first note? House top
18 loose.

19 MR. THOMAS: Loose house top bolts.

20 MR. DAVIS: Okay. What's the second note?

21 MR. THOMAS: Chipping and pitting on the
22 turnout, my wing rails.

23 MR. DAVIS: Okay.

24 MR. THOMAS: Turnout side wing rails.

25 MR. DAVIS: So that wouldn't change any of

1 the measurements with that type of a condition?

2 MR. THOMAS: Not necessarily, no.

3 MR. DAVIS: Okay. What's the next one?

4 MR. THOMAS: Because chipping is breaking
5 up, a warn and approach.

6 MR. DAVIS: Warned and approach?

7 MR. THOMAS: Yes, that's the third rail.

8 MR. DAVIS: Okay. And what's the next one?

9 MR. THOMAS: 1/8 top wear in chipping on the
10 straight frog wing.

11 MR. DAVIS: Okay. So if you have wear --

12 MR. THOMAS: Top wear.

13 MR. DAVIS: Okay.

14 MR. THOMAS: That's not going to change a
15 measurement.

16 MR. DAVIS: Okay. I hear you. That's what
17 I'm trying to understand.

18 MR. THOMAS: Yes.

19 MR. DAVIS: All right. What's the next?

20 MR. THOMAS: The ties.

21 MR. DAVIS: Tie conditions?

22 MR. THOMAS: Mm-hmm, 15 deteriorating ties.

23 MR. DAVIS: Fifteen deteriorating ties.

24 MR. THOMAS: And then corrugation on the
25 frog point, then three wheel burns on the stock rail,

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1 head checking on the switch point, head checking and
2 corrugation on the frog casting, head checking on the
3 straight stock rail.

4 MR. DAVIS: Okay. And that's the same on
5 both forms. So nothing was ever done or none of that
6 was addressed from January to July, correct?

7 MR. THOMAS: It never gets addressed until
8 something breaks, until there's a crack. If anything
9 here was reported as cracked, then it would have been
10 addressed.

11 MR. DAVIS: Okay.

12 MR. THOMAS: But just wear and chipping and
13 corrugation, that's fine.

14 MR. DAVIS: But the wear, the chipping, and
15 the corrugation is listed where in the --

16 MR. THOMAS: Say it again.

17 MR. DAVIS: Where do you list the chipping,
18 the wear, and the corrugation?

19 MR. THOMAS: What do you mean?

20 MR. DAVIS: At the frog, the heel, the
21 switch point?

22 MR. THOMAS: Wherever it is.

23 (Unintelligible.)

24 MR. DAVIS: Right. What I'm asking, what's
25 it listed on your form?

1 MR. THOMAS: Okay. Corrugation is at the
2 frog point --

3 MR. DAVIS: Okay.

4 MR. THOMAS: -- and on the frog casting.
5 Head checking is on the straight stock rail, on the
6 frog casting, on the switch point. And chipping and
7 pitting on the turnout side wing rails. And top wear
8 and chipping on the straight frog wing.

9 MR. DAVIS: Okay. So those are all in the
10 switch. The wear, chipping, corrugation, they're all
11 within your switch inspection, so that is within that
12 switch area.

13 MR. THOMAS: Yes.

14 MR. DAVIS: Okay. So where are the 15
15 deteriorating ties?

16 MR. THOMAS: In the diamond area.

17 MR. DAVIS: Okay. And what's the difference
18 between the diamond area and the switch area?

19 MR. THOMAS: Well, the diamond, the switches
20 are over here. The diamond is in the middle. Now, get
21 it? Switches are here and here. The diamond is right
22 here.

23 MR. DAVIS: So you're indicating that the
24 switches are connected to the main at the four end
25 points of the interlocking.

1 MR. THOMAS: Right, and the diamond is in
2 between. It's in the center.

3 MR. DAVIS: And the diamond is in the center
4 where the trains operate through based on the move that
5 they're lined for.

6 But the switches are noted in the switch
7 inspection. But you're telling me that the diamond
8 area that we run over is not considered main line or
9 daily inspection. It's just --

10 MR. THOMAS: It's not. It's in the
11 interlocking area. It's where the switches are.
12 Normally when we do the frog, the switch inspections,
13 that's when we inspect the diamond. That's when we
14 inspect all of that.

15 MR. DAVIS: Okay.

16 MR. THOMAS: Other than that, straight down
17 the line.

18 MR. DAVIS: Okay. All right. When you put
19 -- and I was just looking at some of these. And I
20 probably should have marked them, and I didn't. But I
21 see that you have the ten-foot ties -- where's the one?
22 Oh, okay, here it is. Between 100 feet you have 10
23 cracked and split, defective ties. And they're the
24 ten-foot ties.

25 MR. THOMAS: Yes.

1 MR. DAVIS: Okay. And that's within 100
2 feet. So if we think about that for a minute, how many
3 ten-foot ties are in 100 feet?

4 MR. THOMAS: Probably ten.

5 MR. DAVIS: Okay.

6 MR. THOMAS: There's supposed to be ten.

7 MR. DAVIS: Supposed to be ten.

8 MR. THOMAS: Sometimes there are 11 or 12 or
9 13.

10 MR. DAVIS: Okay.

11 MR. THOMAS: Sometimes nine.

12 MR. DAVIS: Okay. So under normal
13 circumstances, there would be ten.

14 MR. THOMAS: Supposedly. There are
15 supposedly ten.

16 MR. DAVIS: Okay.

17 MR. THOMAS: Because they are supposed to be
18 spaced ten feet apart. So --

19 MR. DAVIS: Okay.

20 MR. THOMAS: -- that would be nine or ten.

21 MR. DAVIS: So in the 100 feet between K --
22 on number 1 track, between K478 and 479 on number 1
23 track, okay, you're saying that there are ten defective
24 ten-foot ties. So every ten-foot tie in that 100 feet
25 is defective.

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1 MR. THOMAS: I don't remember how many there
2 were.

3 MR. DAVIS: Well, I'm just telling you
4 that's how many.

5 MR. THOMAS: Yes.

6 MR. DAVIS: Okay. So --

7 MR. THOMAS: It could have been more than
8 that. But all, there were ten.

9 MR. DAVIS: There were 10 in 100 feet.

10 MR. THOMAS: Yes.

11 MR. DAVIS: And we're saying, under normal
12 conditions -- and you're right, I don't know how many
13 are between the --

14 MR. THOMAS: (Unintelligible.)

15 MR. DAVIS: So you're saying all 10 ten-foot
16 ties were defective in that 100 feet.

17 MR. THOMAS: Yes.

18 MR. DAVIS: Okay. And then, there's nine,
19 eight, eight, nine, eight, eight, ten, nine, seven,
20 seven, seven, eight. So within 100 feet, because these
21 measurements are all 100 feet --

22 MR. THOMAS: Yes.

23 MR. DAVIS: -- with ten being the normal
24 number, you're saying every one of those ten-foot ties
25 is bad within these chain markers.

1 MR. THOMAS: If there were ten there, then,
2 yes, all of them were defective.

3 MR. DAVIS: Okay. That's all -- I'm just
4 asking clarification.

5 Now, how many ties, eight-foot ties, would
6 there be in 100 feet?

7 MR. THOMAS: I don't know.

8 MR. DAVIS: Okay. But what's our normal --

9 MR. THOMAS: It's whatever it is. I don't
10 remember what the normal number of those would be.

11 MR. DAVIS: Okay.

12 MR. THOMAS: But for sure, the insulated
13 ties, the ten-foot ties, are supposed to be ten feet
14 apart.

15 MR. DAVIS: Okay. Some of these you had in
16 as yellows.

17 MR. THOMAS: That's on the K Line?

18 MR. DAVIS: Mm-hmm.

19 MR. THOMAS: No.

20 MR. DAVIS: Oh, J Line maybe. That's right.
21 We had some on the J Line as well, right?

22 MR. THOMAS: Mm-hmm.

23 MR. DAVIS: And these were in as yellows.

24 MR. THOMAS: Yes.

25 MR. DAVIS: And then --

1 MR. THOMAS: I might have upgraded them,
2 yes.

3 MR. DAVIS: You upgraded them. Okay. And
4 you upgrade them to number 1s from what would be a
5 number 2 yellow.

6 MR. THOMAS: Mm-hmm.

7 MR. DAVIS: Okay. Did you notify anybody at
8 that time that you were upgrading?

9 MR. THOMAS: No.

10 MR. DAVIS: Okay. Fair enough, fair enough.

11 MR. THOMAS: That may have been -- I don't
12 remember when that was. But I was going off, and I
13 mentioned this to Andy Off (phonetic). I mentioned it
14 to Mike Davis (phonetic) also that the last time we
15 spoke you were the one who upheld Brian Postin's
16 (phonetic) ridiculous thing that I should have upgraded
17 these, the ties, before I restricted them.

18 I found a restriction in that same section
19 between Ballston and East Falls. It was at a joint.
20 And the ties were defective. He wrote me up.

21 MR. DAVIS: I didn't see Brian write you up
22 for anything. So --

23 MR. THOMAS: Oh, no. Well, yes --

24 MR. DAVIS: Chris Bell.

25 MR. THOMAS: -- he doesn't write -- no, he

1 didn't. It wasn't Chris Bell. It was --

2 MR. DAVIS: One of your supervisors.

3 MR. THOMAS: No, the assistant
4 superintendent.

5 MR. DAVIS: Oh, okay. It was --

6 MR. THOMAS: Postin had him write me up.

7 MR. DAVIS: -- Cliff Davis (phonetic).

8 MR. THOMAS: Yes, Cliff Davis. He had him
9 write me up.

10 MR. DAVIS: Speculative.

11 MR. THOMAS: No, that's true. You could,
12 Cliff Davis, you could speak to him any time. He'll
13 tell you it wasn't him.

14 MR. DAVIS: Okay. So what's the point about
15 that?

16 MR. THOMAS: Oh, like I said, I upgraded it
17 because you were supporting his theory that I should
18 have, well, his statement that I should have upgraded
19 them before I restricted them. They can't just go from
20 this to that. They can't just go from green to --

21 MR. DAVIS: And you agreed with that.

22 MR. THOMAS: No, I didn't. No, I didn't. I
23 didn't agree with that.

24 MR. DAVIS: You didn't agree that they --

25 MR. THOMAS: No.

1 MR. DAVIS: -- can't get --

2 MR. THOMAS: I didn't agree that they should

3 -- well, I don't think that was the question. But --

4 MR. DAVIS: And it doesn't say --

5 MR. THOMAS: -- what I found was --

6 MR. DAVIS: -- 1000?

7 MR. THOMAS: Huh?

8 MR. DAVIS: That you should be upgrading any
9 condition that gets worse?

10 MR. THOMAS: I'm sure it does say that. I
11 think so.

12 MR. DAVIS: Yes.

13 MR. THOMAS: Yes.

14 MR. DAVIS: That's what you and I talked
15 about.

16 MR. THOMAS: But we found -- yes, but what
17 we were talking about was me finding in the, what, 10,
18 11 miles I have, that I'm responsible for, found a
19 condition because a train was coming where I happened
20 to be cleared up at.

21 And I heard the noise there, and I inspected
22 and saw that there were defective ties that were
23 causing, that were allowing movement, allowing spikes
24 to come out in some of the areas. And it was pumping.
25 It was just all of that.

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1 And so what I did was put in a restriction,
2 restricted the speed of the trains, which caused them
3 to come out and do a repair in that section. Instead
4 of, okay, you did your job, there was, oh, you didn't
5 do this.

6 MR. DAVIS: Well, again, we're talking about
7 the ties that you upgraded as you're supposed to.

8 MR. THOMAS: Yes.

9 MR. DAVIS: So what's --

10 MR. THOMAS: Right. So what, yes, so what?
11 Why are we talking about that if that's what I was
12 supposed to --

13 MR. DAVIS: I'm saying that you upgraded
14 them.

15 MR. THOMAS: Yes.

16 MR. DAVIS: Okay.

17 MR. THOMAS: And asking if I informed
18 anybody what --

19 MR. DAVIS: Right. That's all I asked.
20 That's all I asked.

21 MR. THOMAS: All right.

22 MR. DAVIS: Did I -- I didn't ask anything
23 else.

24 MR. THOMAS: All right.

25 MR. DAVIS: Right? Okay. So that's all I

1 asked is if you upgraded, which you're supposed to do.
2 But it also states that you should notify somebody when
3 you upgrade something.

4 MR. THOMAS: Where does it say that?

5 MR. DAVIS: I actually have it printed out.
6 Remember, I showed you the last time we spoke. I
7 showed you in the WMATA 1000 and 2000 the section about
8 inspections and upgrading, right?

9 MR. THOMAS: Mm-hmm, I remember that.

10 MR. DAVIS: And it says --

11 MR. THOMAS: I don't remember it saying that
12 you have to notify anybody when you upgrade something.

13 MR. DAVIS: If you -- and I'm trying to
14 remember exactly what we said. But if you would find a
15 tie, in this case you found ties, correct?

16 MR. THOMAS: Mm-hmm.

17 MR. DAVIS: All right. Let's use your own
18 stuff for an example. So in this case on the K Line,
19 you found cracked and split ties, right? And you put
20 them in as a Priority 1.

21 On the J Line, you found ties that were
22 cracked and split, but you did not feel they were a
23 Priority 1. They weren't as bad.

24 MR. THOMAS: No, I did. But there was this
25 whole thing. As I said, it can't just go red

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1 overnight.

2 MR. DAVIS: Well --

3 MR. THOMAS: So I had to document it. And
4 this is what track workers have to do.

5 MR. DAVIS: No, this was you had walked the
6 same area. That was the difference over there. You
7 had walked the same area, and you never had noted the
8 ties as defective. And then you found --

9 MR. THOMAS: What did I say they were?

10 MR. DAVIS: Nothing, there was nothing in
11 there.

12 MR. THOMAS: I didn't say anything. They
13 were just cracked and split. I didn't say they were
14 anything.

15 MR. DAVIS: No, you didn't. On that area in
16 the K Line, the last time we spoke that section you had
17 no defects, like you do now.

18 MR. THOMAS: No, no, no, no. That was --
19 and this is what we talked about. That was already
20 documented. The entire area, all of the ties, they
21 were deteriorating. And Brain Postin had them taken
22 off of the regular database and put into INSP
23 (phonetic).

24 MR. DAVIS: They were a special inspection
25 just like you did --

1 MR. THOMAS: It was not a special
2 inspection.

3 MR. DAVIS: -- rail.

4 MR. THOMAS: It was not a special
5 inspection.

6 MR. DAVIS: What was the other inspection
7 that you did? And again, I don't want to rehash and go
8 over --

9 MR. THOMAS: Okay. Well, if this was a
10 special inspection, what happened to the regular
11 inspection?

12 MR. DAVIS: This is a regular inspection.

13 MR. THOMAS: On that same section, where we
14 documented all of that, you said it was a special
15 inspection. Well, we did it at the time --

16 MR. DAVIS: You did --

17 MR. THOMAS: -- when we were doing the
18 regular inspections.

19 MR. DAVIS: -- inspections. You did --

20 MR. THOMAS: So there were no regular
21 inspections done.

22 MR. DAVIS: What do you mean?

23 MR. THOMAS: This is what I'm asking.
24 You're saying this was a special inspection.

25 MR. DAVIS: How many --

1 MR. THOMAS: But it wasn't done on overtime.
2 It wasn't done on days off. It wasn't done at a
3 different time. It's done as we were doing --

4 MR. DAVIS: How many different --

5 MR. THOMAS: -- the track inspection.

6 MR. DAVIS: -- inspections did you do --

7 MR. THOMAS: It was not a special
8 inspection.

9 MR. DAVIS: How many different inspections
10 did you do under the premise that we were going to go
11 out and report in 100-foot sections? You did ties.
12 You did fasteners.

13 MR. THOMAS: I don't know. That was --
14 first off, that was my idea. I did not do fasteners.
15 I don't know who did that. But I'm the one who started
16 doing, reporting the ties in 100-foot sections.

17 MR. DAVIS: Did you not do fasteners in
18 another section of the rail --

19 MR. THOMAS: I don't know who did that.

20 MR. DAVIS: -- because you weren't on the K?

21 MR. THOMAS: I think, I believe that I heard
22 about them doing that.

23 MR. DAVIS: Right. So it was just a grab
24 and tell us what is your finding --

25 MR. THOMAS: That wasn't a special

1 inspection.

2 MR. DAVIS: -- in those 100-foot sections.

3 MR. THOMAS: The special inspection was when
4 we did grout pads.

5 MR. DAVIS: Right.

6 MR. THOMAS: And that was done on overtime.
7 Yes, that wasn't done --

8 MR. DAVIS: But --

9 MR. THOMAS: We did regular track
10 inspections.

11 MR. DAVIS: But it --

12 MR. THOMAS: And then we did that.

13 MR. DAVIS: -- still was requested in a
14 certain way.

15 MR. THOMAS: It was requested a certain way.

16 MR. DAVIS: Right.

17 MR. THOMAS: And it was paid for by the
18 people who requested it. It wasn't done on a regular -
19 -

20 MR. DAVIS: Well, when you come to work --

21 MR. THOMAS: -- track inspection with the --

22 MR. DAVIS: When you come to work and you do
23 your regular track inspections, are you paid?

24 MR. THOMAS: Yes.

25 MR. DAVIS: So what's it matter who or what

1 pays? WMATA pays you.

2 MR. THOMAS: What I'm talking about --

3 MR. DAVIS: No --

4 MR. THOMAS: -- is that was a special --
5 you're talking about the special inspections. The
6 special inspections are done at special times.

7 MR. DAVIS: We --

8 MR. THOMAS: They're not done -- you don't
9 do --

10 MR. DAVIS: Right.

11 MR. THOMAS: You don't do --

12 MR. DAVIS: And that tie inspection was done
13 at a special time. WMATA --

14 MR. THOMAS: What was special about the
15 time, because it was summer?

16 MR. DAVIS: Trapp, WMATA can say at any time
17 that they --

18 MR. THOMAS: WMATA can suspend regular track
19 inspections at any time.

20 MR. DAVIS: They never suspend.

21 MR. THOMAS: Is that what you're telling me?

22 MR. DAVIS: Where was it suspended?

23 MR. THOMAS: This is what you're saying. It
24 was a special inspection.

25 MR. DAVIS: No, I'm saying they can call --

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1 MR. THOMAS: You're saying it was a special
2 inspection.

3 MR. DAVIS: Trapp, I'm not going to debate
4 you on this. Okay?

5 MR. THOMAS: Don't, because it doesn't make
6 any sense what you're saying.

7 MR. DAVIS: It does make sense, Trapp.

8 MR. THOMAS: It doesn't.

9 MR. DAVIS: It does make sense. And we've
10 already had that conversation. And that's why we're in
11 here talking about this now. Okay.

12 And when I asked you if the defective ties
13 were in the switches or if it was in the diamond, you
14 said they were in the diamond area.

15 MR. THOMAS: That's what it says.

16 MR. DAVIS: Okay.

17 MR. THOMAS: That they're in the diamond
18 area.

19 MR. DAVIS: Right. So that was the
20 question. Then I asked if it was restrictable. And
21 you said, no, at the time.

22 MR. THOMAS: I don't know that it was. I
23 don't know that it was. I don't remember that. That's
24 what I told you.

25 MR. DAVIS: That's right. That's all I'm

1 saying. And that was the simple question. Okay.

2 Then I asked you if you did upgrade, which
3 you did, from yellow to red, which is what we had
4 talked about, which is the proper thing to do.

5 MR. THOMAS: Yes.

6 MR. DAVIS: Then the only other question I
7 asked you simply was did you notify anybody when you
8 upgraded them. And you said no. And that's, was the
9 preface and the yes and no answer of the question.

10 There was no other, other than you going on
11 about the trying to go back to the special inspections.
12 We're not talking about that. I'm simply talking about
13 what is here now. And now --

14 MR. THOMAS: What I was saying about the
15 special inspections is that you're saying --

16 MR. DAVIS: Stop talking --

17 MR. THOMAS: No, you -- no, no, listen.

18 MR. DAVIS: -- about the special
19 inspections.

20 MR. THOMAS: You're telling me that that
21 wasn't documented when I put in that restriction in
22 September or October --

23 MR. DAVIS: Trapp --

24 MR. THOMAS: -- whenever that was. You said
25 that the ties weren't documented. That's how we got to

1 this.

2 MR. DAVIS: No. What you said was, just
3 like over there, they can't happen overnight. A tie
4 doesn't go bad overnight. Okay. And when you get one
5 of them in a row, which you have here, which is a
6 Priority 1 for one tie, which you have here, or you put
7 10 ties over 100 feet for ten-footers, that is proper
8 reporting, right? That's all we're saying.

9 But so now, if the tie next to it becomes a
10 red, then you would report the condition.

11 MR. THOMAS: Yes.

12 MR. DAVIS: Okay. So that's all. The only
13 question I have is why they were reported at different
14 times. And you --

15 MR. THOMAS: Because there was another --

16 MR. DAVIS: You already answered. All
17 right.

18 And then the other question was did you tell
19 anybody when you upgraded from a yellow to a red,
20 right? And those were the simple questions, and that
21 was the only thing I was asking about those items. All
22 right. That's all.

23 With your inspections on a daily basis, do
24 you report and sign a daily inspection form --

25 MR. THOMAS: Yes.

1 MR. DAVIS: -- whether there is a problem or
2 not?

3 MR. THOMAS: Yes.

4 MR. DAVIS: Every day you sign, right?
5 Every 30 days or monthly --

6 MR. THOMAS: Monthly.

7 MR. DAVIS: -- you do the switch inspection.
8 And you sign that form that you did the switch
9 inspection.

10 And I'm not saying right, wrong, or
11 indifferent. But you're also stating that the diamond
12 area, on those tracks, you understood and were never
13 told different that that was not "mainline" daily
14 inspectable tracks, but that was all part of a switch
15 inspection, even though there are not switches in
16 there, but that was part of the switch inspection,
17 correct?

18 MR. THOMAS: Yes.

19 MR. DAVIS: Okay. I want to make sure that
20 I have it clear with what you said.

21 MR. THOMAS: And on the form it's called the
22 switch inspection.

23 MR. DAVIS: Correct.

24 MR. THOMAS: What we call it --

25 MR. DAVIS: Okay.

1 MR. THOMAS: That means supervisors and
2 everybody else call it an interlocking inspection.

3 MR. DAVIS: Okay.

4 MR. THOMAS: Because we inspect the
5 interlocking.

6 MR. DAVIS: Okay.

7 MR. THOMAS: The forms are for the switches.

8 MR. DAVIS: Okay.

9 MR. THOMAS: The only forms that we have for
10 the interlocking inspection are for the switches.

11 MR. DAVIS: Okay. Did you feel when -- and
12 we talked about this. We've -- did you talk to the
13 supervisor when you gave him the switch inspection form
14 for a signature?

15 MR. THOMAS: Mm-hmm.

16 MR. DAVIS: Did you generally talk about
17 your notes for any conditions you find?

18 MR. THOMAS: I don't know.

19 MR. DAVIS: Do you do that on a regular
20 basis?

21 MR. THOMAS: When we find something that's
22 not just a normal, regular thing, that's -- that may be
23 -- that calls for no restriction or anything like that,
24 that is not of any serious concern, we would probably
25 just document it --

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1 MR. DAVIS: And then --

2 MR. THOMAS: -- because even the stuff that
3 is of serious concern doesn't get addressed, so you
4 just document it.

5 MR. DAVIS: So the supervisor doesn't sign
6 this form in front of you.

7 MR. THOMAS: No.

8 MR. DAVIS: Okay. What is the --

9 MR. THOMAS: He reads it. If he has any
10 questions, any concerns, then he'll bring the concerns.

11 MR. DAVIS: So where do you turn that form
12 in?

13 MR. THOMAS: We give it to the supervisor.

14 MR. DAVIS: But he doesn't look at it or
15 sign it when you give it to him?

16 MR. THOMAS: No.

17 MR. DAVIS: Okay.

18 MR. THOMAS: I might -- I mean, because it's
19 a lot of -- his office is over here. I do the
20 paperwork over here in the trailer. And I come, here's
21 the paperwork, and I walk out.

22 MR. DAVIS: Okay. The dailies, inspection
23 forms, do you discuss those with the supervisor?

24 MR. THOMAS: If there is something to
25 discuss.

1 MR. DAVIS: Okay. Or again, you just hand
2 them to the supervisor.

3 MR. THOMAS: Yes.

4 MR. DAVIS: And then he signs them at
5 another time. And that's regular practice.

6 MR. THOMAS: Yes.

7 MR. DAVIS: Okay.

8 MR. THOMAS: And he'll read them. And if
9 there is something on there that he's concerned about,
10 he comes back, what's going on with this.

11 MR. DAVIS: Okay. And that's regular
12 practice.

13 MR. THOMAS: Yes.

14 MR. DAVIS: Okay. So if at any time you
15 shared with a supervisor a restriction or a concern
16 that you had about an area, did that supervisor
17 generally -- and I'm speaking day-to-day track
18 reporting or track walking. Was the supervisor
19 understanding or heard your report? And if you asked
20 the supervisor to help you or look at it, did the
21 supervisor generally go out and look at it that you
22 know of?

23 MR. THOMAS: I haven't had that kind of --
24 only -- well, the couple of times where I had to put in
25 a restriction, when I'd come upon the situation, I

1 remember one being broken joint bars right down this
2 track.

3 MR. DAVIS: Okay.

4 MR. THOMAS: Broken IJ bars. And I asked
5 the supervisor to come out and look at it, and he did.

6 MR. DAVIS: Okay. Was there ever a time --

7 MR. THOMAS: Well, I put the restriction in,
8 but he, you know, he came out anyway.

9 MR. DAVIS: Right. Was there ever a time
10 that you asked a supervisor to come out and confirm --

11 MR. THOMAS: And he didn't come out.

12 MR. DAVIS: And he didn't come out?

13 MR. THOMAS: No.

14 MR. DAVIS: Okay. Did you know or do you
15 know that every time you found a condition that you
16 reported, any defect you reported, that the supervisor
17 would go out and field verify what you found?

18 MR. THOMAS: That's happened.

19 MR. DAVIS: That has happened. Okay.

20 MR. THOMAS: And there's times where I put
21 in a restriction and the supervisor -- depends on the
22 supervisor. Some will go out and say he doesn't see
23 anything.

24 MR. DAVIS: But, I mean, they would go out
25 and field verify as far as you knew your defects --

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1 MR. THOMAS: Yes.

2 MR. DAVIS: -- that you may have put in.

3 MR. THOMAS: Yes.

4 MR. DAVIS: Okay.

5 MR. THOMAS: In the case of a restriction,
6 yes.

7 MR. DAVIS: But I'm just saying, if you came
8 in today and you did your daily and you had two or
9 three items that you found, defective tie, bolts
10 missing on a fastener --

11 MR. THOMAS: Oh, would they go out and look?
12 Oh, that I don't know.

13 MR. DAVIS: Okay.

14 MR. THOMAS: I don't know. I don't think
15 normally they would because we're inspectors. If I
16 said, you know, a bolt is out, the bolt is out.

17 MR. DAVIS: Would they ever request that you
18 make the repair, whether it be the next day or the same
19 day?

20 MR. THOMAS: Sometimes. Like if we have a
21 bolt that's loose or missing, the bolt is out, they
22 might. If I brought that to a supervisor -- I wouldn't
23 -- he might say, yes, do you have a wrench or whatever,
24 tie it back in. But we already know that. So I
25 wouldn't -- that's not something I would bring to a

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1 supervisor.

2 MR. DAVIS: So you would --

3 MR. THOMAS: Yes.

4 MR. DAVIS: -- the next day put the bolt --

5 MR. THOMAS: No, right then.

6 MR. DAVIS: That day.

7 MR. THOMAS: Yes, go get a wrench, put it
8 in.

9 MR. DAVIS: Now, when you do these switch
10 inspections, do you measure -- how do you measure those
11 measurements that are on the form?

12 MR. THOMAS: With the track gauge.

13 MR. DAVIS: Okay. So you do carry a gauge
14 to do the switch measurements?

15 MR. THOMAS: Yes.

16 MR. DAVIS: Okay. Where do you get that
17 gauge?

18 MR. THOMAS: It's at the trailer.

19 MR. DAVIS: So before you go out --

20 MR. THOMAS: -- location, yes.

21 MR. DAVIS: Are there boxes along the way
22 that have equipment?

23 MR. THOMAS: Not gauges.

24 MR. DAVIS: Not gauges. So gauges, if you
25 would need a gauge, that is not readily available to a

1 track walker.

2 MR. THOMAS: If -- on the line?

3 MR. DAVIS: Yes.

4 MR. THOMAS: No.

5 MR. DAVIS: Okay.

6 MR. THOMAS: But then we have rulers. We do
7 have the wooden rulers, fold out.

8 MR. DAVIS: Right. But if you needed -- if
9 you saw a condition that you felt the cross level was
10 out, or that if you need to really verify --

11 MR. THOMAS: Normally you'd get a gauge.

12 MR. DAVIS: But it wouldn't come from the
13 line. You'd have to call.

14 MR. THOMAS: You go get it.

15 MR. DAVIS: Go get it.

16 MR. THOMAS: Go get it or have the
17 supervisor bring it out, whatever.

18 MR. DAVIS: Okay. So any tools and
19 equipment that you need is readily --

20 MR. THOMAS: But that's an outrageous
21 situation. That's not a regular situation where you'll
22 notice that the cross levels was out. If you notice
23 that, that's crazy.

24 MR. DAVIS: Okay.

25 MR. THOMAS: So that's -- yes.

1 MR. DAVIS: Okay. So the tools are readily
2 available to you.

3 MR. THOMAS: Yes.

4 MR. DAVIS: Okay. There would never be a
5 time that you needed a wrench that you couldn't get a
6 wrench.

7 MR. THOMAS: It may take time to get it, but
8 we could get it, yes.

9 MR. DAVIS: Okay. All right. Do you feel
10 that you get the proper support from supervision?

11 MR. THOMAS: That depends.

12 MR. DAVIS: And I'm -- okay. Go ahead.
13 What do you mean?

14 MR. THOMAS: That depends on who it is. I
15 haven't gotten -- I'm on a special assignment right
16 now.

17 MR. DAVIS: Right.

18 MR. THOMAS: So I'm not doing regular track
19 inspections. But before that and before this pick that
20 just went into effect on July 5th, but there was a
21 whole lot before that too, but the supervisor -- I was
22 at Alexandria, the supervisor was Lovack (phonetic). I
23 wasn't supported by him or by the superintendent or by
24 the assistant general superintendent --

25 MR. DAVIS: Okay.

1 MR. THOMAS: -- or the general
2 superintendent at the time --

3 MR. DAVIS: Okay.

4 MR. THOMAS: -- before Mike Davis got in.

5 MR. DAVIS: Okay. And in what way do you
6 feel that you weren't --

7 MR. THOMAS: Well --

8 MR. DAVIS: I mean, you just felt that they
9 didn't manage properly or --

10 MR. THOMAS: They retaliated against me for
11 putting in speed restrictions. You're asking the
12 question.

13 MR. DAVIS: But that was years ago.

14 MR. THOMAS: No, that's --

15 MR. DAVIS: That was a year ago.

16 MR. THOMAS: No, no, that's not what we're
17 talking about. I'm not talking about that. I'm
18 talking about something else.

19 MR. DAVIS: Oh, you're talking about recent.

20 MR. THOMAS: Yes.

21 MR. DAVIS: With --

22 MR. THOMAS: More recent, yes.

23 MR. DAVIS: Okay. All right. So tell me
24 about it, because, yes, we need to know what was going
25 on with supervision, middle, and upper management.

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1 MR. THOMAS: So I put in a speed restriction
2 between National Airport and Braddock Road on a curve
3 because of defective ties. I was challenged on that.
4 Two days after that there was a broken IJ bar at
5 National Airport. I put in a restriction for that.

6 Supervisor Lovack came out and Russell Scott
7 (phonetic) came out. They inspected. They said there
8 was nothing wrong with the joint bar. Mike Thomas
9 (phonetic) -- well, Lovack and Russell Scott, they told
10 me to continue the track inspection.

11 When I was almost to Braddock Road, he
12 called me on the phone and asked me where I was. I
13 told him where I was. He told me to wait for him at
14 Braddock and he'd come and pick me up. They come and
15 take me down to Medical for a drug and alcohol test.

16 And then I was on at the end of the day
17 after that. After I tested and they brought me back
18 here to the yard, he handed me a piece of paper telling
19 me I was on paid administrative leave until further
20 notice.

21 And I was investigated by Mike Thomas. And
22 it was supposedly just by Mike Thomas, even though he
23 said he spoke to a supervisor and that's where they got
24 the idea to put me on administrative leave. I have to
25 be drunk or something or high or something. Something

1 has to be wrong for me to put two speed restrictions in
2 when there was nothing wrong. The speed restriction --
3 this was on a Wednesday and a Friday that I put the
4 speed restrictions in.

5 So I'm on paid administrative leave. Find
6 out that Sunday -- well, let me tell you this. The
7 week after that, Mike Thomas calls me down here to do
8 an interview with him. And before that time, I think
9 this was on a, that was on a Tuesday or Wednesday,
10 something like that.

11 So I'm writing this email about the
12 situation. Wrote to Safety. He wrote to Wiedefeld, to
13 Jack Requa (phonetic), to Andy Off, to OIG, to OSHA, to
14 the FTA.

15 And so the day after the interview with him
16 -- this is part of the investigation -- while we were
17 doing that, he said that we should go out and walk so I
18 could show him what I'm talking about. So we do that
19 the next day. And the FTA inspector comes along with
20 us.

21 The first spot we check is the joint bars at
22 National Airport. We get there. The joint bars are
23 gone. Brand-new joint bars are on there, when the two
24 supervisors said there was nothing wrong and Mike
25 Thomas said there was nothing wrong. He said he saw

1 the pictures, and there was nothing wrong.

2 Even -- and when he said that, I pulled out
3 the phone and showed my pictures and showed the FTA
4 inspector. I said, you don't see the difference? He
5 said, oh, I see it now. I didn't see it in the
6 pictures before.

7 But still the official story was there was
8 nothing wrong with the joint bar, but nobody could find
9 it.

10 MR. DAVIS: So did Mr. Thomas, Mr. Lovack,
11 or Mr. Scott ever look at the condition with you, let
12 you explain --

13 MR. THOMAS: Yes.

14 MR. DAVIS: -- what the condition was --

15 MR. THOMAS: On that day.

16 MR. DAVIS: -- and explain why they didn't
17 think it was a condition?

18 MR. THOMAS: No. They didn't say anything.
19 They just said continue your walk. And then after
20 that, they made their phone calls. Then I got picked
21 up and taken down to test for drugs and alcohol.

22 And so after that, after the joint bar, then
23 we went walking down the track. And I showed him all
24 of the ties that I said were defective. He said he saw
25 some bad ties but nothing that called for a speed

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1 restriction.

2 Now we call that section SafeTrack surge
3 number 3 where all the ties were replaced. Nothing was
4 wrong with them, though, but they were all replaced.

5 And so since he realized that I was right,
6 he said that he wants to separate me and Supervisor
7 Lovack. So he has me reporting to New Carrollton for
8 two months. He wants us to be separated. So he sends
9 me to -- that was the retaliation.

10 Since they didn't have anything official,
11 they wanted -- they thought they had something and they
12 wanted to be able to tell me I was wrong from one of
13 those, and they couldn't. So all they could do is
14 something that couldn't be called retaliation.

15 MR. DAVIS: But they never -- with you
16 there, explain why they felt that there was nothing
17 wrong.

18 MR. THOMAS: Mike Thomas tried. But the FTA
19 inspector was right there. So it didn't work. It
20 didn't work.

21 MR. DAVIS: Okay.

22 MR. THOMAS: He's saying with his
23 experience, he -- his experience gives him the ability
24 to create a gray area, which means to ignore what's in
25 the book, because what I said was it's what's in the

1 book and what's out there on the track. That's it.
2 That wasn't my opinion. He kept saying we had a
3 difference of opinions. I didn't have an opinion. I
4 had this and that. He had an opinion.

5 MR. DAVIS: So, in general, you feel that
6 when you find a restrictable, in this case, you found a
7 restrictable condition, that your managers did not
8 support you --

9 MR. THOMAS: (Unintelligible.)

10 MR. DAVIS: -- in terms of supervision.

11 MR. THOMAS: It was more than just not
12 supporting me. It was retaliating against me for
13 taking action.

14 MR. DAVIS: Okay.

15 MR. THOMAS: And that, as I explained, I
16 explained that. I explained to you, and I explained to
17 Andy Off, to Mike Davis.

18 MR. DAVIS: After this time?

19 MR. THOMAS: No, after -- no, this is what I
20 explained. I explained that that causes track walkers
21 to have to watch their back versus just taking what
22 action needs to be taken. They have to consider what's
23 going to happen to them.

24 And I explained that is a huge problem.
25 Like that can't be. You can't have that, because then

1 you have derailments and then you have investigations
2 after that. And --

3 MR. DAVIS: Right.

4 MR. THOMAS: -- the buck gets passed down to
5 us, and when you had one of us telling you that this
6 was going to happen.

7 MR. DAVIS: So, in general, you say you have
8 the tools you need to do your job. You have the
9 training you need to do your job. But you don't feel
10 that the support --

11 MR. THOMAS: Absolutely not.

12 MR. DAVIS: -- is available for you to do
13 your job.

14 MR. THOMAS: Absolutely not. It's more --
15 it's not even right to say that the supports are not
16 available. There is a roadblock. There are efforts
17 against us doing our job.

18 MR. DAVIS: Okay.

19 MR. THOMAS: That's worse than just not
20 being supported.

21 MR. DAVIS: And have you reported that to --

22 MR. THOMAS: Everybody, yes.

23 MR. DAVIS: Okay. And has any of that --
24 because I didn't even know about the National --

25 MR. THOMAS: That hasn't changed. I have --

1 yes. All they changed is -- oh, well, when the new
2 pick went into effect on July 5th, what was discussed
3 in this room, Brian Postin and Mike Lovack, Mike
4 Thomas, Mike Davis, and me right here, he was telling
5 them that they were wrong about that situation.

6 And the only thing that came out of that is
7 that Lovack -- I said that Lovack should not be -- I
8 said he shouldn't be a supervisor. But at the very
9 least, he can't be my supervisor. So all that happened
10 is he got switched.

11 The two -- there are two trailers down
12 there. One's for Alexandria, and one's for Dulles.
13 And we have a supervisor for each, and they got
14 switched. That's all that happened.

15 MR. DAVIS: So when you were here in this
16 room, Mike Davis told them that they were wrong.

17 MR. THOMAS: Yes.

18 MR. DAVIS: Okay. And that was -- the
19 settlement of it was that they would switch the two
20 supervisors.

21 MR. THOMAS: That was all that happened,
22 yes.

23 MR. DAVIS: Were you satisfied with that?

24 MR. THOMAS: No, no, because it wasn't -- I
25 mean, the retaliation was the smaller component of the

1 whole thing. You still have the safety issue. And we
2 have a derailment because of that, because of that
3 issue that never gets addressed. And the supervision,
4 they get protected. Superintendents get protected when
5 they do wrong. And the track walkers have no choice
6 but to do whatever they have to do.

7 MR. DAVIS: What do you mean by do whatever
8 they have to do?

9 MR. THOMAS: You have, like I told you
10 almost a year ago, that there was a condition.
11 Remember, I told you about a specific condition, but it
12 was a 58 gauge. It wasn't this. It wasn't East Falls.

13 But when the track walkers found out about
14 it, they had to wait. They just -- they handled it the
15 next day. They didn't report it. They didn't do
16 anything because the question is, oh, why didn't you
17 find this before, even though you find it now and
18 nothing happened. You saved -- you solved the problem.
19 You prevented something from happening. That's not how
20 it was looked at. It's, well, why didn't you find it
21 before.

22 And then there's punishment. So, like in my
23 case, it was weak. It was a written warning, but it
24 was something, you know. And that went into effect
25 regardless of the fact that the restriction was

1 correct, you know. That didn't matter.

2 MR. DAVIS: Do you feel that you've been
3 able to -- as like you said, 181 defects that you put
4 in, have you been supported in that, or you've not
5 received any --

6 MR. THOMAS: I didn't hear a word about it.

7 MR. DAVIS: Because that's what the proper
8 way of doing it, right?

9 MR. THOMAS: Well, because I would write and
10 tell everybody that here they go again. That's why I
11 probably didn't. That's speculative.

12 MR. DAVIS: Okay. All right.

13 MR. THOMAS: All I know is they didn't say
14 anything to me about it.

15 MR. DAVIS: I got you. So in your time as a
16 track walker on the K Line, and you haven't been back
17 to the K Line in some time now, you say?

18 MR. THOMAS: Yes.

19 MR. DAVIS: About a year or more or less?

20 MR. THOMAS: I was -- I'd say it's been
21 almost a year. I believe I -- yes, right after we had
22 the meeting in October, maybe a week or two weeks after
23 that, I was switched to another line. And I haven't
24 been on it since then.

25 MR. DAVIS: Came over to the J Line.

1 MR. THOMAS: I think so.

2 MR. DAVIS: Yes. Do you feel the derailment
3 is because of the track walkers not being able to
4 report or --

5 MR. THOMAS: No, it was reported. It was
6 because it gets ignored. Nothing happens until we put
7 in the speed restriction. But even if we put in the
8 speed restriction, that's when they come with the
9 retaliation. So you can't win. You pick and choose.

10 Like I said to you, I'm not afraid of these
11 people. But I don't want to always go through
12 something. So I pick and choose whenever I'm going to
13 do -- take action more than just reporting what's out
14 there and speaking to the maintenance manager or
15 supervisor or the assistant superintendent or the
16 superintendent, tell them what's going on, because
17 nothing's going to happen. But that's just to do
18 something about it.

19 MR. DAVIS: Do you speak to the maintenance
20 managers?

21 MR. THOMAS: Yes.

22 MR. DAVIS: You do?

23 MR. THOMAS: Yes.

24 MR. DAVIS: Do all the track walkers?

25 MR. THOMAS: Yes, that's a common thing for

1 us because, I mean, we don't want to put in -- we don't
2 want to interrupt service. And if I can speak to the
3 maintenance manager and he'll say, okay, I'll come fix
4 that, there it is. That would be beautiful --

5 MR. DAVIS: So --

6 MR. THOMAS: -- if it actually worked that
7 way.

8 MR. DAVIS: Right. But you're saying that,
9 in this case, when I asked you who did you report it
10 to, you are speaking to the maintenance manager about
11 things like this.

12 MR. THOMAS: Yes. I didn't at that time.
13 But there were times. Like there was something at
14 National Airport that's been corrected now on one of
15 the safety service. But I spoke to the maintenance
16 manager about that.

17 And, yes, we do that. We do that. Say,
18 hey, I got a concern over here. I'm going to have to
19 -- I might have to restrict this. He'll say, okay,
20 I'll come look at it. Then, okay, we're going to
21 handle that Monday night or whatever.

22 MR. DAVIS: Well, whether you restrict it or
23 not, you're still letting them know --

24 MR. THOMAS: Take action, yes.

25 MR. DAVIS: -- that it's out there.

1 MR. THOMAS: Yes, and take action to get it
2 fixed. That's what we want to do.

3 MR. DAVIS: So there's open communication.
4 And you have the ability to speak to the maintenance
5 manager on a regular basis.

6 MR. THOMAS: Yes.

7 MR. DAVIS: Okay.

8 MR. THOMAS: Well --

9 MR. DAVIS: And then the maintenance
10 managers don't act on the information you give them.

11 MR. THOMAS: Sometimes they don't. And
12 somebody, they wouldn't say what maintenance manager it
13 was, but this is just months ago where somebody said
14 that a maintenance manager said don't -- for us not to
15 contact them anymore. There are too many chiefs --

16 MR. DAVIS: So you were told not to contact
17 the maintenance manager.

18 MR. THOMAS: Yes. I don't know who it was,
19 though. I don't know what maintenance manager it was.
20 It wasn't -- I was speaking to AD (phonetic), to Davis.
21 I don't know what -- I don't think it was him. No, it
22 wasn't him. He said it wasn't him. But I don't know
23 who it was. But that was the word, that, yes, we got
24 enough.

25 MR. DAVIS: Okay. Okay. What would help

1 improve it?

2 MR. THOMAS: If that was procedure, if that
3 was regular procedure. We speak to the maintenance
4 manager, and they actually do the work, or they
5 prioritize their work by our databases. For whatever
6 reason, they don't go by the databases. We have so
7 much information.

8 And I notice on the surges we have people
9 from Structure that go out there and look at what they
10 have right there. But we have -- go to the database.
11 We already got this. We got this and more than you
12 will see.

13 But nobody uses the databases. I don't know
14 why. Why do we even do this if nobody's going to use
15 the database? Why do we report anything if nobody's
16 going to fix it?

17 MR. DAVIS: Do you feel that yourself or
18 other track walkers don't report because --

19 MR. THOMAS: I know for a fact that some
20 track walkers under-report what they have because they
21 know -- and like I was saying to Andy Off and to Mike
22 Davis, everybody was watching my situation while I'm
23 being retaliated against and I have to report to the
24 location that is farthest from home for me. Everybody
25 sees this happening.

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1 And I'm telling them that is going to scare
2 people. This is how you get people to stop caring,
3 when you have them look at a situation like this, when
4 they -- all I did was my job. This was exactly what it
5 is my job to do. I did that, and I'm getting all of
6 this.

7 So they don't want that. They don't want
8 that. And I've seen people under-report, not just
9 ignore. Nobody ignores anything. But they'll -- when
10 something is a red, they may say it's yellow. And all
11 of that is dangerous. But --

12 MR. DAVIS: Yes.

13 MR. THOMAS: -- I don't know how you blame a
14 track walker for it. When he's put in the position to
15 have to think about himself, that shouldn't be. And
16 this is what I've been saying. That shouldn't be.

17 MR. DAVIS: Do --

18 MR. THOMAS: But nothing happens to the
19 people who do that.

20 MR. DAVIS: Right.

21 MR. THOMAS: It's us.

22 MR. DAVIS: Do you think yourself and the
23 other track walkers are capable and do do the track
24 inspection to the proper level that it needs to be?

25 MR. THOMAS: Absolutely, absolutely. If we

1 -- the things right now are the worst they've ever been
2 for being able to just report what's there or put in a
3 restriction. Every time there's a restriction put in
4 the first thing is let's go to the database and see if
5 they had it documented.

6 There have been people who put in
7 restrictions and written up and given -- I don't know
8 if they've given days in the street (phonetic). But
9 you find something. It's your job to do. You take
10 action. You make sure nothing happens to the public.
11 And you get written up because you didn't do it a day
12 before. Ridiculous. But that's what we have right
13 here.

14 MR. DAVIS: Do you feel that there are
15 restrictable conditions out there now?

16 MR. THOMAS: I know for a fact there are. I
17 know there are.

18 MR. DAVIS: And you don't act or others
19 don't act.

20 MR. THOMAS: Oh, not me, I act. I
21 definitely act.

22 MR. DAVIS: But you know there are
23 restrictable conditions out there. You just don't know
24 where they are, or it's not your --

25 MR. THOMAS: Oh, I know where they are.

1 They're not -- yes. I mean, there has to be more than
2 what I know. But I know of some, yes.

3 MR. DAVIS: Okay.

4 MR. THOMAS: And the track walkers there,
5 even if I tell them you got to take action, they're
6 like but I did this and this happened to me before. So
7 the problems are not here at our level. It is
8 management, and it's not being addressed at all.

9 So, and especially, like I said, with
10 everybody watching my situation, and they watch and see
11 nothing happen. Even when something happens to me,
12 nothing happens to them after that. After this has
13 been proven, after somebody tells them they were wrong,
14 nothing's done to them.

15 So somebody who was more fearful about
16 suspensions or getting fired or whatever, they're not
17 going to take action if they think this is going to
18 happen to them.

19 MR. DAVIS: Isn't this a positive, though?

20 MR. THOMAS: I think so.

21 MR. DAVIS: That you've been able to --

22 MR. THOMAS: I am able to. I don't know
23 that anybody in this -- the people always say they
24 can't do what I do.

25 MR. DAVIS: But yet that's what the book

1 says you're supposed to do.

2 MR. THOMAS: Yes, but we have people who
3 operate by different rules that create gray to ignore
4 the book. That's where the problem is. This is a top-
5 down problem. The problem is not with us.

6 We have the ability to do this. This is not
7 really complicated stuff. You get better with
8 experience. You, this, this, this. There's a lot of
9 stuff that you don't know, especially if you came from
10 the street.

11 But I don't know that there are track
12 walkers here who are just clueless. And if they are,
13 then they pair them with vets, you know. The new guys
14 are with -- they walk with veterans so they know. They
15 learn.

16 MR. DAVIS: Do -- I see on some of these
17 track walking reports that a lot of the senior guys are
18 the flaggers, and they have the other guy making him
19 walk as the track walker because they say they are
20 senior.

21 MR. THOMAS: Because they want to -- oh, no,
22 that's not like a favor to them or anything. The way
23 it is with -- I forget how it works. Either you can't
24 flag or you can't inspect when you haven't been Level 4
25 qualified.

1 But they put them out here. They always put
2 out people who are not being trained or who are not
3 being qualified for something.

4 So when they're at just maybe a Level 2 or
5 something like that, either they can't inspect or they
6 can't flag. But people are going for months and months
7 and months like that.

8 MR. DAVIS: So the --

9 MR. THOMAS: But that's not a favor to
10 anybody. That gets switched every week anyway. If you
11 -- I mean, well, it's like this. You walk, say, Monday
12 and Tuesday, then Wednesday, which is a maintenance
13 day, and you have Thursday and Friday. That person,
14 the senior person, will be flagging Monday and Tuesday,
15 but then for Thursday and Friday, it's switched.

16 MR. DAVIS: And that's with every group or
17 you're saying --

18 MR. THOMAS: Yes.

19 MR. DAVIS: -- that they're --

20 MR. THOMAS: That's how it's been everywhere
21 I've been.

22 MR. DAVIS: But you're saying there are
23 Level 2s out there that you can't switch.

24 MR. THOMAS: Those people you can't switch
25 with, yes.

1 MR. DAVIS: So then the senior, more veteran
2 --
3 MR. THOMAS: Has to do --
4 MR. DAVIS: -- track inspector --
5 MR. THOMAS: -- whatever it is all the time.
6 MR. DAVIS: -- flags --
7 MR. THOMAS: Yes.
8 MR. DAVIS: -- instead of, and then the less
9 experienced --
10 MR. THOMAS: Or inspect his flags.
11 MR. DAVIS: Yes.
12 MR. THOMAS: I don't know. I don't know.
13 That's how it is.
14 MR. DAVIS: But that's forcing the less
15 experienced person to do the inspecting --
16 MR. THOMAS: Yes.
17 MR. DAVIS: -- because they're not Level 4.
18 MR. THOMAS: But that's why sometimes when
19 you see people walking pretty close together, it's like
20 the flagman is watching out for trains. But then, you
21 know, you got to give the little lessons here and
22 there, you know, to have them try to learn the job.
23 MR. DAVIS: Right. Are there any other
24 tools that you would think that would help do your job
25 in terms of --

1 MR. THOMAS: Not for me, but for the people
2 who aren't at a -- who may not be at a decent level,
3 just training. That's it, just training and more
4 experience you get it, you get it.

5 MR. DAVIS: Okay. The derailment was caused
6 by poor track condition ties and wide gauge.

7 MR. THOMAS: I believe the train caused the
8 wide gauge. That's why it didn't drop on day one. It
9 dropped after I don't know how many days. But this is
10 -- these have running constantly, constantly,
11 constantly.

12 But the ties, probably not deteriorating,
13 but defective, and it pushed out. This is what I've
14 been saying would happen. This is the reason I gave
15 every time I put in a restriction, because the ties
16 were defective. I said that that was the possibility.
17 Sometimes the ties will just tear apart.

18 Normally when I put in a restriction,
19 somebody will say something like can you pull the
20 spikes out with your hand. And I'll say no. They come
21 out and kick the spikes. If the spikes, they're
22 holding, then they say it's good.

23 That's all they see is -- that's the only
24 thing that they see that can make a tie defective, if
25 you could pull it out. But if you can pull it out by

1 hand, come on, like it's gone already.

2 MR. DAVIS: Right.

3 MR. THOMAS: Why do you want to wait for
4 that?

5 MR. DAVIS: Right.

6 MR. THOMAS: And so I restrict based on
7 that.

8 MR. DAVIS: Why do you think the track
9 walkers -- those ties were bad, bad. I mean --

10 MR. THOMAS: Are there any pictures --

11 MR. DAVIS: Yes.

12 MR. THOMAS: -- of the ties after the
13 derailment?

14 MR. DAVIS: There are. And --

15 MR. THOMAS: Because I haven't seen them,
16 and I notice -- that's one little funny thing to me
17 because --

18 MR. DAVIS: The spikes just pushed out like
19 butter.

20 MR. THOMAS: Yes, that's because of the
21 ties. Yes, they were defective.

22 MR. DAVIS: So why didn't --

23 MR. THOMAS: That's what happened. It
24 wasn't like -- it's not like the gauge was just wide.
25 You're using this track that you don't use on defective

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1 ties. And it's on a curve. So, of course, you'll get
2 that push.

3 MR. DAVIS: Right.

4 MR. THOMAS: That was going to happen. That
5 would always have happened.

6 MR. DAVIS: So why didn't you track walkers
7 say, hey, these ties, you can't run that on?

8 MR. THOMAS: I think the ties -- I think the
9 track walkers might have thought that that was going to
10 be repaired. And I heard that area was actually
11 initially scheduled for that whole surge. And somebody
12 decided to leave it alone.

13 MR. DAVIS: So you think the track walkers
14 did not report the condition as deplorable because they
15 thought it was going to be caught up in a surge.

16 MR. THOMAS: Maybe, maybe. I mean, we've
17 done that before.

18 MR. DAVIS: (Unintelligible.)

19 MR. THOMAS: Yes, we've done that before. I
20 mean, what was it? The K, the J Line down here, even
21 though I upgraded some of those ties, I left some of
22 them alone because it's already scheduled. It's
23 already in the surge. So why go through all of this
24 extra stuff when it's already reported, obviously
25 already reported, and it's scheduled to be addressed?

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1 MR. DAVIS: So track walkers now are being
2 encouraged or doing it themselves, saying the surge is
3 coming?

4 MR. THOMAS: We've always been encouraged to
5 not do something if the work is scheduled, even by
6 maintenance managers. And like when I said we speak to
7 them about something, they say, oh, wait, we got that
8 for next month, so don't worry about it.

9 MR. DAVIS: Okay. Yes, because it kind of
10 blows my mind that the track walkers didn't say these
11 ties are restrictable and --

12 MR. THOMAS: Well, look at what happens when
13 you do. You get sent far away from home, driving 40
14 extra miles a day. And nothing happens to the people
15 who do that, even when somebody tells them they were
16 wrong.

17 MR. DAVIS: But aren't all the track walkers
18 being rotated?

19 MR. THOMAS: No.

20 MR. DAVIS: No?

21 MR. THOMAS: We don't get rotated. We pick
22 the location, and that's it until the next pick.
23 That's the rotation.

24 MR. DAVIS: So the pick is once a year?

25 MR. THOMAS: Yes, in June.

1 MR. DAVIS: So track walkers aren't being
2 rotated on a regular basis.

3 MR. THOMAS: No.

4 MR. DAVIS: Okay. All right. All right.
5 Was there anything else that -- I mean, when you look
6 at the interlocking inspections --

7 MR. THOMAS: I think this -- not that this
8 is your idea, but this is ridiculous to even look at us
9 and to go back this far. You want to go back to '15
10 because I inspected this. That happened --

11 MR. DAVIS: No, I just happened to have --

12 MR. THOMAS: I know. I'm saying --

13 MR. DAVIS: -- '15 and '16 here.

14 MR. THOMAS: I get that it's not you. I'm
15 just saying that it's ridiculous to look at this
16 situation, especially to bring me into it when I'm the
17 one who's been blowing the whistle on them the whole
18 time --

19 MR. DAVIS: No, we're bringing --

20 MR. THOMAS: -- about ignoring all these
21 ties. Specifically, this is exactly what I saw coming,
22 and I've been making noise about this to everybody,
23 even Jack Evans who claims to be so outraged about
24 this. He ignored my email when I told him about this
25 in March.

1 MR. DAVIS: One of the -- I mean, like I
2 said, we're bringing a lot of track walkers in, if not
3 all of them, to discuss, you know, this. But you had
4 done ten. In 2014 you did four, and in 2015 you did
5 six actual inspections of K05.

6 MR. THOMAS: Okay.

7 MR. DAVIS: So that's --

8 MR. THOMAS: What years?

9 MR. DAVIS: 2014 you did four.

10 MR. THOMAS: '14?

11 MR. DAVIS: And 2015 you did six inspection
12 of K05. And, you know --

13 MR. THOMAS: Oh, yes. That's when I, yes,
14 that's when I came to Alexandria in June '14.

15 MR. DAVIS: '14.

16 MR. THOMAS: Okay, yes. All right.

17 MR. DAVIS: And those numbers are the same,
18 '14, '15.

19 MR. THOMAS: They're not supposed to change.

20 MR. DAVIS: Okay. But then you talked about
21 where in the notes.

22 MR. THOMAS: Yes. The way a level tests is
23 the level off sometimes. Like even with side wear, in
24 the areas where we've had the worse side wear I've ever
25 seen, like 1/2 inch, it just stops. It just levels

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1 off. It just doesn't go beyond that. That's a common
2 thing. But then also --

3 MR. DAVIS: And one --

4 MR. THOMAS: -- as I've always said, our job
5 is to report something, and it's supposed to be fixed.

6 MR. DAVIS: One of the other reasons you're
7 being -- you know, we're interviewing you is to get the
8 full picture so that you told me what you felt the full
9 picture is, where you've told me before that not
10 everybody will come in and give -- you know, Mr.
11 Wiedefeld is interested in the whole picture.

12 MR. THOMAS: Right.

13 MR. DAVIS: So --

14 MR. THOMAS: Right.

15 MR. DAVIS: -- that's one of the other
16 reasons because, you know, you'll give the whole
17 picture.

18 MR. THOMAS: Okay.

19 MR. DAVIS: And, you know, just as you have
20 today.

21 MR. THOMAS: All right.

22 MR. DAVIS: Any other questions or ideas or
23 thoughts?

24 MR. THOMAS: No.

25 MR. DAVIS: Okay. Well, you know, like we

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1 said, the fact that the interlocking was so bad, you
2 know, just why didn't somebody set the alarm?

3 MR. THOMAS: Why do we always get ignored
4 when we do? That's the question.

5 I've been saying for years that the problem
6 is maintenance. We report things. We restrict things.
7 And that's all that does it. And it shouldn't be. We
8 shouldn't have to restrict something in order for them
9 to act. We should be able to say, look, look at this,
10 and that's it. And they take it from there.

11 MR. DAVIS: Yes.

12 MR. THOMAS: Especially if there's going to
13 be a surge, I don't know why anybody didn't think -- I
14 would have thought, if I had that section and was
15 looking at those ties there, I would definitely have
16 been the one to say something. If you're going to
17 running trains on this, there's going to be a
18 derailment. I would have said that.

19 MR. DAVIS: Now Mr. Wiedefeld has required
20 that --

21 MR. THOMAS: Now he's on top of it, yes.

22 MR. DAVIS: -- surge move in.

23 MR. THOMAS: Yes.

24 MR. DAVIS: Move to the next place until
25 those interlockings are --

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1 MR. THOMAS: Yes.

2 MR. DAVIS: -- deemed able to handle it.

3 MR. THOMAS: Yes. That's -- we should have
4 already been there.

5 MR. DAVIS: And that's one of the reasons
6 we're doing this.

7 MR. THOMAS: Right.

8 MR. DAVIS: Okay. All right. Well, if you
9 don't have anything else, the time now is 16:04 hours
10 and ending our time with, interview with Mr. Thomas.

11 MR. THOMAS: All right.

12 (Whereupon, the above-entitled matter went
13 off the record at 4:04 p.m.)

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C E R T I F I C A T E

MATTER: East Falls Church Derailment
July 29, 2016
Accident No. DCA16FR010
Interview of Trapp Thomas

DATE: 08-09-16

I hereby certify that the attached transcription of page 1 to 103 inclusive are to the best of my professional ability a true, accurate, and complete record of the above referenced proceedings as contained on the provided audio recording; further that I am neither counsel for, nor related to, nor employed by any of the parties to this action in which this proceeding has taken place; and further that I am not financially nor otherwise interested in the outcome of the action.



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